

OHIO

Melroy C. Johns, Caldwell.
Hosea A. Spaulding, Delaware.
Ralph Dunfee, Dresden.
Fred M. Hopkins, Fostoria.
Olive G. Randall, Hubbard.
Ray Phillips, Leavittsburg.
Robert E. Friel, Lore City.
Don B. Stanley, Lowell.
John W. Kramer, Maumee.
Harry E. Griffith, Mount Gilead.
Charles R. Finnical, Newton Falls.
Ben J. Filkins, Wakeman.

OKLAHOMA

Stephen M. Gold, Indianola.
Isaac W. Linton, Jones.

PENNSYLVANIA

Albert A. Campbell, Zelienople.
Robert H. Wilson, Littlestown.

SOUTH DAKOTA

Floyd Twamley, Alexandria.
Ralph L. Hazen, Canistota.
Christopher J. Johnson, Centerville.
Lottie M. Johnson, De Smet.
Philip S. Feldmeyer, Garden City.
Hellen S. Angus, Humboldt.
Linville Miles, Langford.
Della Reue, Leola.
Charles J. Moriarty, Marion.
Clyde C. Asche, Olivet.
Clarence Mork, Pierpont.
Fred S. Williams, Pierre.
Mae George, Ravinia.
Hugh H. Gardner, Ree Heights.
John W. Rydell, Rosedale.
Charles Furois, St. Onge.
Cyrus J. Dickson, Scotland.
Ola S. Opheim, Sisseton.
Pius Boehm, Stephan.
Carl O. Steen, Veblen.
John A. Hawkins, Waubay.
Edward A. Wearne, Webster.
Charles G. Kuentzel, White Rock.

WEST VIRGINIA

Lawrence Barrackman, Barrackville.
Aileen J. Calfee, Eckman.
Alphonse Leuthardt, Grafton.
Gertrude Smith, Oak Hill.
Norvell H. Burress, Spring Hill.

HOUSE OF REPRESENTATIVES

THURSDAY, May 10, 1928

The House met at 12 o'clock noon.

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

O Thou who art all in all, Thou art such a merciful Father, for height nor depth, nor any other creature shall be able to separate us from the love of God. O give us an outburst of faith with the assurance that nothing can defeat divine care and divine compassion; we shall wonder then at the richness of life that shall come to us. Chasten all desire and graciously help us to know ourselves and Thy purpose concerning us. Give us wise views of the needs of our country and renew our strength and hope in all good things. Continue, blessed Lord, to establish us in all those virtues and in the love of that truth as taught by the Teacher of Nazareth. In His blessed name. Amen.

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

IMMIGRATION

Mr. CARLEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. CARLEY. Mr. Speaker, under the permission granted me, I want to call the attention of the House to the very meritorious provisions of H. R. 12816, entitled:

A bill relating to immigration of certain relatives of United States citizens and aliens lawfully admitted to the United States.

This bill has been favorably reported from the Committee on Immigration and Naturalization, and is now on the House Calendar. Its purpose is to remove some of the hardships now imposed under the present immigration quota law, which in its strict application has practically severed many family ties.

The population of the eighth congressional district of New York, which I have the honor to represent, is composed to a very large extent of foreign-born citizens, their American-born children, and resident aliens.

Since being elected by the people of the eighth congressional district of Brooklyn, N. Y., to represent them in Washington there have been called to my attention many pitiful and deserving cases.

Hardships and family separations caused by the strict enforcement of the immigration law are so frequently found and called to my attention that I am in favor of amending the present law and humanely modifying many of its provisions.

I heartily agree with the report of the committee and favor the early passage of the bill.

This bill would permit the entry, outside of quota limitations, of the wives of United States citizens, the husbands of United States citizens, and the children, under 21 years of age, of United States citizens.

The present law does not give a nonquota status to the husbands of citizens or the children between the ages of 18 and 21 years of citizens.

This bill also gives a certain preference status, within the quota allowances, to the unmarried children under 21 years of age, the wives, and the husbands of aliens already lawfully admitted to the United States and permanently resident here.

I would urge greater leniency than would be accorded under the terms of this bill. I would not set any age limit upon the children of United States citizens, for so long as either parent was a citizen I would admit their unmarried children irrespective of age. In fact, I would even go further; I would give a nonquota status to those minor children living abroad of aliens who have been legally admitted to the United States and who have filed their declarations of intention to become American citizens.

In many instances immigrants legally in the United States, some of them having filed their declarations of intention to become citizens, have appealed to me to assist in bringing their minor children here to join the family group in their established home. The only answer I could give those people was that their children would have to make application in the regular way at the American consulates abroad and come under the quota allowance, which, in most instances, on account of the small quota allowance, meant a wait of long and weary years.

I would be in favor of further amending the immigration laws so as to give the Secretary of Labor, or some officer designated by him, certain discretionary powers to meet unusual emergencies which can not otherwise be properly met on account of the strict interpretation of immigration law.

I have particularly in mind two pathetic cases in which discretion, if it were authorized, would have relieved a very distressing situation.

The first which came to my notice when I assumed office was the case of an alien widow who, with her infant child, came to this country on a visit to near relatives. While here on a visitor's visa this alien mother was taken ill and died. Under the technical interpretation of the quota immigration law the motherless infant could not remain here with its blood relatives but was compelled to return to its native land, the same as an adult alien.

Within the past few days an appeal was made to me by a young woman, a naturalized citizen, to procure permission to bring her infant sister to live with her, the widowed mother having died, leaving this little sister alone. Under the present law there was no provision whereby this child could be admitted to the United States, even temporarily, as she was under the age that she might be admitted for educational purposes.

I can not believe that anyone, not even the strongest advocate of total restriction of immigration, in circumstances as in the cases cited, would or could object to a provision in the immigration law that would give to the proper officials some discretionary powers to take care of such an emergency.

The adoption of the amendments suggested would not seriously affect the quota provisions of the present law; it would be merely granting to our own adopted citizens the benefit of humane provisions and common-sense interpretation of the quota law.

In conclusion, I sincerely hope that before adjournment of the Seventieth Congress some remedial and humane legislation

will be enacted so that the many hardships now imposed under the quota immigration law will be partially, at least, eliminated.

MUSCLE SHOALS

MR. SCHNEIDER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of Muscle Shoals legislation and to include certain figures with reference to the cost of electricity.

THE SPEAKER. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the RECORD on the subject of Muscle Shoals legislation and to include certain figures in regard to the cost of electricity. Is there objection?

There was no objection.

MR. SCHNEIDER. Mr. Speaker, after almost a decade of strife and controversy, during which resources worth millions have been permitted to lie idle, it seems that the Muscle Shoals question is about to be settled. Begun originally as a war measure under the national defense act of June 3, 1916, completion of the great project has been delayed by at least 10 years while selfish, profit-seeking private interests have sought to obtain possession of the work already completed so that they might amass new fortunes at the expense of the consumer, and through their tactics have obstructed the passage of requisite legislation. I refer to the Power Trust and the fertilizer interests, who have been responsible for withholding undoubted benefits of great magnitude from the public these many years.

If the measure becomes a law as approved by both Houses there will be three chief ways in which the Nation will benefit. First, through the production and sale of power at a rate much cheaper than that extorted from the consumer by the electric power interests; second, by the efficient and therefore much less costly production of fertilizer and fertilizer ingredients on an experimental basis; and third, by the opening of more than 400 miles of the Tennessee River to navigation and the control of its waters in time of danger from flood.

Originally this immense project was planned for the production of nitrates to be used in the manufacture of explosives needed in unprecedented quantities for the carrying on of the World War. An idea of the growing need of nitrates for this purpose may be gained from the fact that more explosives are used in one demonstration of modern bombing practice than were expended by both armies in the Battle of Gettysburg. Before entering the World War we were absolutely dependent upon foreign countries for our supply of nitrates, and Chile, our chief source, was uncertain at best. If this source had been cut off there is no telling what disastrous effect might have been the result.

As it is, millions of dollars are spent annually for nitrates in this country, both for fertilizer and for explosives. At the time of its erection the Muscle Shoals plant was modern in every respect and one of the best of its kind in the world. Since that time, however, great strides have been made in the cheaper and more efficient production of nitrates, and the new methods that have been developed necessitate improvements in the plant as it now stands. To the original cost of the work already carried out—approximately \$150,000,000—we must now add \$37,000,000 for the construction of another dam at Cove Creek and about \$33,000,000 for altering and modernizing the present plant. The erection of a dam at Cove Creek will serve the double purpose of flood control and will increase the output of power from the combined sources 300 per cent, so that the power development will be in the neighborhood of 300,000 horsepower.

While the primary purpose of the development was the production of nitrates, the immense masses of water held in leash by the great dams at Muscle Shoals are capable of generating a considerable surplus of power over and above that needed to run the nitrate plants. What use shall be made of this power? Is it to be allowed to fall into the hands of private interests who would use it to mulct the people out of every possible dollar, or shall it be developed and distributed by a Government corporation at a fair price?

Volumes of propaganda have been spread over the country forecasting ruin to private interests if the Government should take over Muscle Shoals and thereby enter into competition with the power and fertilizer interests. According to these tales, want and deprivation will be the share of thousands of owners of power stocks if power prices are lowered through Government operation of the plants in question. Senator NORRIS, the champion of the present Muscle Shoals legislation, has very ably portrayed the results of Government control by graphic illustrations from Ontario, Canada, where power is furnished at cost by a publicly owned corporation.

One of the cases cited is that of the wife of a laboring man, a Mrs. Cullom, of Toronto, living in a modest home of eight rooms. Notwithstanding the small size of her household, this woman used 334 kilowatt-hours of electricity in one month, an

amount startling to every American citizen. The average consumption in an eight-room home in the United States is less than one-fifth of that amount. Now let us compare the bill Mrs. Cullom received for that month with that of a consumer in our own country, as shown by Senator NORRIS. Her light and power bill for the 334 kilowatt-hours she had used was \$3.55. Had she lived in Washington, her bill for the same amount would have been \$23.18; in Birmingham, Ala., she would have had to pay more than \$32; and if she had lived in some of the towns in Florida, her bill would have been more than \$60.

During the past year, Senator NORRIS says in his address, domestic consumers of electricity in the United States paid an average of 7½ cents per kilowatt-hour, while Ontarians were paying 1.85 cents. Profiting by the low rate, Mrs. Cullom is able to use nearly every electrical appliance known to science to lighten her labors. Electric sweepers, irons, kitchen ranges, heaters, washing machines, and twice as many lights as are customary with people of like circumstances in this country are within the means of almost everyone in Ontario, but who can afford such conveniences with the exorbitant power rates in force here?

Another instance of the benefits of cheap power is presented by Mr. NORRIS in the case of an Ontario farmer. I quote from the address of the honorable Senator from Nebraska:

I have before me a photograph of the farm home of Mr. B. L. Siple, a Canadian citizen who lives in Ontario. He has 70 acres in his farm, and at the time I visited him he was milking 17 cows by electricity. He filled his silo by electricity. He ground his feed by electricity. He pumped the water by electricity. Every cow in her stall had a bucket of water within her reach. When she drank the water in the bucket it was automatically refilled. Mr. Siple's barn could be lighted throughout by the pushing of a button. The house was a beautiful modern cottage, the equal of any in our cities in America. There was running water in the kitchen and in the bathroom. Mrs. Siple cooked the year around on an electric stove. She had an electric fan in the kitchen. She washed her dishes in water that she heated by electricity. The bathroom was supplied with water heated by electricity. In fact, she had practically all of the modern electrical conveniences known to science to-day.

The installation on this farm of electricity had practically saved Mr. Siple the expense of one hired man and it saved his wife the expense of a hired girl. He paid for the entire facilities for the year in which I visited him \$115.49. Like the city man, he paid an amortization fee, and also included in this bill an item which in 30 years will pay off the entire capital stock, including the construction of the transmission lines.

To quote Senator NORRIS still further:

And it must be remembered that in all the Canadian rates I have given there is included an amortization fee. That is, there is included in the prices a fee which in 30 years will pay off the entire invested capital. So that the rates are not only paying interest on the money invested in the development, not only paying for the expense of operation and depreciation, but they are likewise paying a fee that in 30 years will leave them with nothing to pay except the expense of maintenance and operation.

In view of these facts does it look as though the American Power Trust were operating on a philanthropic basis and due to suffer greater losses if their rates were forced down by Government competition? Are not the American people entitled to profit by resources owned by themselves as well as are the people of Ontario?

And, without a doubt, Government operation of the power plants at Muscle Shoals will have a far-reaching effect in reducing power rates. The power emanating from this plant will be placed, first, at the disposal of the States, counties, and municipalities, and any surplus that remains will be sold to distributors who desire it. It will be the part of the Government corporation to see that the power is resold at a fair rate, and the rates thus set will serve as a basis throughout the country in the near future, it is to be hoped.

The power problem is but a single aspect of the Muscle Shoals question. The plants there will assure the country of a permanent nitrate supply within its own borders, and in case of war will result in immense savings. In times of peace these nitrates will be available for the manufacture of fertilizer at much lower prices than the imported product. Fertilizer interests have opposed Government operation on grounds similar to those presented by the Power Trust, claiming that they would have to shut down their plants if the Government were to go into the business. As a matter of fact, their arguments are contradictory. They claimed, on the one hand, that the Government could not distribute fertilizer at a profit beyond a very restricted radius, due to the high transportation cost, and, on

the other, that they could not hope to compete with Government prices. As it is provided in the present bill that fertilizer shall be produced on an experimental basis only, the fertilizer interests themselves will derive great advantage.

If the Muscle Shoals bill becomes a law, the Government corporation will have at its disposal any documents in the United States Patent Bureau, and thus will be able to carry on experiments looking toward the cheapest and most efficient production of fertilizer, a procedure admittedly far beyond the means of most private manufacturers. The results of these experiments would be passed on to the private manufacturers and naturally would be of great benefit to them. Furthermore, the nitrates produced at Muscle Shoals will be sold to the manufacturers, who now have immense freight bills to pay on the waste matter that comprises more than 80 per cent of the product imported from abroad. The nitrate content of the product mined in Chile, it has been pointed out, is seldom more than 16 per cent, the remainder being filler. Thus the production of cheaper nitrates and experimentation in fertilizer manufacture will be of untold benefit both to the private manufacturer and to the farmer. The importance of commercial fertilizer in agriculture is constantly growing. This fact may be better appreciated when it is understood that its production has been the study of scientists for the past 25 years, during which period great strides have been made.

As to the standpoint of navigation and flood control on the Tennessee River, more than 400 miles of water navigation will be thrown open by completion of the Muscle Shoals project and the construction of the dam at Cove Creek. The great dams would serve to eliminate most of the danger of floods in the Mississippi Basin and thus would be directly in line with recent flood-control legislation.

WILLIAM LADD AND THE AMERICAN PEACE SOCIETY

Mr. NELSON of Maine. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes.

The SPEAKER. The gentleman from Maine asks unanimous consent to address the House for 10 minutes. Is there objection?

Mr. SNELL. Mr. Speaker, reserving the right to object, and I very much dislike to object, we have agreed on to-day for the consideration of the emergency officers' bill and there are to be five hours of general debate, so I dislike to let in extraneous matters. I wish the gentleman would wait until Saturday.

Mr. NELSON of Maine. I will say to the gentleman that I am a man of few words.

Mr. SNELL. I appreciate that, and this is a very embarrassing position for me to take.

Mr. NELSON of Maine. The matter I intend to speak about concerns this day, and if I wait until a later day the occasion will have passed.

The SPEAKER. Is there objection?

There was no objection.

Mr. NELSON of Maine. Mr. Speaker and Members of the House: The thoughts of lovers of peace the world over are turned this morning to the city of Cleveland, Ohio, where there is now in session a World Conference on International Justice, attended by some of the outstanding world statesmen of the present day, and promising much for the promotion of a better understanding among nations. This conference has been arranged as a part of the centennial anniversary celebration of the American Peace Society, founded on May 8, 1828, by William Ladd, of Minot, Me. This peace society, the first of its kind in the United States—patriotic in the truest sense, standing always for adequate national defense, yet seeking always world peace through reason and justice—has been now for 100 years one of the world's greatest forces for right thinking along international lines, and to it humanity owes a very generous debt of gratitude.

The president of this society to-day is our distinguished colleague, the Hon. THEODORE E. BURTON, of Ohio, whose eloquent utterances on the floor of this House in behalf of world tolerance, world understanding, world sympathy and justice, have repeatedly won our love, challenged our admiration, and compelled our respect. [Applause.] May God spare this man of magnanimity and vision to many years of useful service. [Applause.] We need such men as he in this House; for long ago it was written, "Where there is no vision the people perish."

This day commemorates not only the hundredth anniversary of the founding of the American Peace Society, but it commemorates also the birth, 150 years ago today, of William Ladd, the founder of that society. And because this man spent the greater part of his useful life on one of the thousand beautiful hillsides of my native State, in the little village of Minot, because he also was a man of vision, and there dreamed the golden dream of world peace, and there wrought the labors

that won for him the title which still graces his name, "The apostle of peace"; because the people of my State honor his memory, as it is honored by the world in Cleveland to-day; and because the problem that he sought to solve is the greatest problem that now challenges the effort of the Christian world, I crave your brief indulgences this morning, that I may say just a word as to the life and labors of this man.

William Ladd was a simple toiler on a Maine farm, yet he was a great man. He was great because he contributed largely to the ideals of mankind and because he gave to the service of those ideals all that he had. I may not review here the story of his earlier life. Suffice to say that he was 41 years of age when he received from the Rev. Jesse Appleton, president of Bowdoin College, then on his deathbed, the inspiration and urge to world-peace work. The remainder of his life, some 33 years, were devoted unceasingly to this cause. In it he spared neither his health nor his fortune. Ten years later he gathered together the various peace societies of the United States into one great organization, the American Peace Society, the hundredth anniversary of which is now being celebrated.

In thought William Ladd was far in advance of his time. As early as 1831 he conceived the idea of an international congress and a high court of nations. In his writings and in his speeches he simply sought to extend the principles of the American Constitution and our Supreme Court so that they might apply to nations as well as to States. His entire physical strength was spent in advancing these ideas, in the press and from the lecture platform and the pulpit. In the last years of his life, health failing him, unable to stand, he often addressed large audiences from his knees. On his return home from one of these speaking trips, exhausted, he died, and on his tomb are inscribed these words:

Blessed are the peacemakers, for they shall be called the children of God.

It was one hundred years ago that this man lived and worked and gave his life in the service of a great ideal, inspired by the vision of a better world, in which reason and justice should be substituted for violence in the affairs of nations. His was a voice crying in the wilderness. To the then world at large Ladd was simply a dreamer of pious dreams, a visionary, an idealist seeking Utopia. William Ladd may have been a dreamer, but he was more than a dreamer. His was a vision that pierced the future, a faith founded on the teachings of the Man of Galilee, and his a courage and a determination that enabled him to play a man's part in making his vision a thing of reality and substance.

He who has a vision
Sees more than you and I;
He who dreams the golden dream
Lives fourfold thereby;
Time may laugh, worlds may scoff,
And hosts assaill his thought,
But the visionary came, ere the builder wrought.
Ere the tower bestrode the dome,
Ere the dome the arch,
He, the dreamer of the dream,
Saw the vision march.

The vision that William Ladd saw a century ago is slowly but surely coming to fulfillment. The idea which he gave to the world still lives, and grows greater and more sublime, as men of the present day seek peace under his benign and simple doctrine. Outlawry of war may no longer be classed as the pathetic fancy of the impractical idealist. War is being outlawed to-day, and the area of its banishment is continually widening. Year by year the specter of war is passing more and more into the background, and the day draws near when the great conflicts of the world shall be not those of nation against nation but those of all the peoples of the earth combined against ignorance, poverty, disease, and crime, the four great enemies of mankind. The task to which William Ladd set his hand a century ago is ours to-day, and no longer impossible of accomplishment.

Thomas Nelson Page, who has the power at times to clothe truth in the garments of imagination, once said:

God, with His mighty wind, has shaken his hand over the river, and men are beginning to go dry-shod on the places where once there was no passage.

Nineteen centuries failed to give us an international Christianity, an international desire and effort for world peace. We would not listen to the still, small voice of conscience, so God spoke to us out of the whirlwind of war. Out of that war, refined by its fires, has come a new world conscience, a world desire for peace, a world consecration to the obligations of our present-day civilization. God has, indeed, shaken His hand

over the river, and we may if we will, if we have the faith and the vision and the courage, walk dry-shod on the places where once there was no passage. [Prolonged applause.]

EXTENSION OF REMARKS

Mr. CARTWRIGHT. Mr. Speaker, I ask unanimous consent to insert in the RECORD a short editorial from the Chicago Tribune and one letter relative to the Tyson-Fitzgerald bill, which we will soon take up for consideration.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to extend his remarks in the RECORD by printing an editorial and letter with regard to the Tyson-Fitzgerald bill. Is there objection?

Mr. UNDERHILL. I shall have to object, Mr. Speaker.

THE ROMANCE OF PUBLIC HEALTH

Mr. SUMMERS of Washington. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on public health and sanitation.

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

There was no objection.

Mr. SUMMERS of Washington. Mr. Speaker, it is refreshing to note that the Congress of the United States within the past few weeks has paused in its consideration of routine legislation and has given thought to the health of the Nation and the world.

Two bills recently passed by the House and Senate dealing with important matters relating to scientific studies and the public health serve to remind us of the striking advances that have been made in the sanitary sciences within the past few decades.

The development of modern science has been a triumphant march. It is a matter of great pride that medicine has kept abreast of the advancement made in all other branches of science. Gratifying progress has been made in internal medicine, surgery, pathology; in fact, in all branches of medicine. It is of interest to note that preventive medicine, hygiene, and public health laws have also kept apace with the growth of knowledge.

H. R. 8128, a bill to authorize a permanent annual appropriation for the maintenance and operation of the Gorgas Memorial Laboratory in Panama, which has been passed by the House, is one of the important bills to which I refer. This laboratory is intended to be a permanent memorial to Dr. William Crawford Gorgas, former Surgeon General of the United States Army.

It is fitting that such a memorial be established in Panama, where General Gorgas demonstrated the most striking application of the principles of modern sanitation that has been made within recent years.

The Panama Canal could not have been constructed, and the American efforts would have failed had it not been for the success of General Gorgas in conducting the sanitary and health work of the Isthmus.

The field of tropical and medical research is large, and the needs involved are great. The present research facilities are limited, and it appears that there is no likelihood of the completion of this work for a great many years to come. The studies in tropical diseases have scarcely been touched in comparison with what is needed.

SANITATION AN ANCIENT SCIENCE

Such great strides have been made in public health, preventive medicine, and hygiene within the past few decades that many persons regard sanitary science as of modern origin. This is not the case. In the history of early peoples we almost invariably find that the health of the population was a subject of serious consideration and legislation.

The Egyptians filtered the muddy water of the Nile at an early date. They gave special attention to their food and to child welfare. They recognized the danger of floods to health and resorted to preventive measures. Joseph's Well, near Gizeh, was excavated through 300 feet of solid rock and was an object lesson in obtaining pure water. Reservoirs were common in ancient times. The Chinese for thousands of years have used alum in the clarification of muddy waters.

The Bible reveals that Moses proposed and enforced many excellent sanitary measures. The Mosaic laws contain specific directions for personal cleanliness, the purification of dwellings and camps, the selection of healthful and the avoidance of unhealthful food, the isolation of persons with contagious diseases and various other points bearing on the welfare of the race. The inhabitants of old India also gave attention to their food, habitations, games, exercises, and the isolation of children in the case of infectious diseases.

The wonderful physical development of the ancient Greeks is well known. The Romans were among the first peoples to

recognize the value of ventilation and to provide for a good supply of fresh air. They brought fresh water from the mountains and provided underground drains for the disposal of sewage. Amongst their military operations the Romans found time to construct the Cloaca Maxima, some 2,400 years ago, which not only served for the removal of refuse, but also helped to drain bogs and marshes. It constitutes the principal sewer of modern Rome. Aqueducts were constructed to cover miles of the surrounding plains. Their remains, many of which have been restored, are now used for their original purpose. At one time there were 14 large and 20 small aqueducts bringing water to Rome, some of which carried the water from a distance of more than 50 miles. During the reign of Tiberius and Nero, the per capita supply of water was over 1,400 liters a day. It is a matter of historical record that between 400 B. C. and 180 A. D. about 800 public baths were installed among the "thermae carcallae," which accommodated 3,000 bathers at one time. These things evidence the munificence and abundance with which the first of sanitary requisites were supplied to Rome.

CHOLERA WIDESPREAD

In the thirties, forties, fifties, and sixties of the last century cholera was by no means unusual in many places in the United States. Congress passed special legislation relative to outbreaks of cholera in 1832 and in 1866.

More than 50,000 persons died of cholera in 1831-32 in 18 cities of Europe. In Hungary during this same epidemic, 1 person out of every 46 died of this disease. In Montreal the rate was given as 1 person out of every 20; in New York, 1 person out of every 100; and in Albany, 1 out of 77. As late as 1873 cholera was epidemic in several of our States.

Prior to the Civil War yellow fever was so common throughout the South, particularly in New Orleans, Galveston, Mobile, Key West, Pensacola, and Charleston, S. C., that some writers spoke of these places as endemic centers. Philadelphia, Baltimore, New York, and other cities suffered epidemics of yellow fever. In fact, no less than 90 epidemics of yellow fever have made their appearance in the United States at different times.

DISCOVERIES OF PASTEUR

Modern public health may be said to date from the discoveries of Louis Pasteur, a great French scientist. His work was largely in the field of bacteriology and was carried on from about 1857 to 1885. Pasteur's work successfully disproved the belief, which was almost universal at that time, that putrefaction, fermentation, and similar processes were the result of what was spoken of as the "spontaneous generation" of lower forms of life; that is, that such forms could originate *de novo* from inanimate matter. The work done by Pasteur included the discovery that certain diseases in both man and some of the lower animals were due to the growth and multiplication of microscopic disease-producing plants, which are ordinarily spoken of as bacteria.

It was not until the late eighties of the past century, however, that the leaders of medical science either in Europe or in America generally accepted the demonstrations and existence and the pathologic significance in health or disease of the bacteriological discoveries of Pasteur.

DOCTOR JENNER AND THE MILKMAID

It should be recalled that the demonstration of the value of vaccination against smallpox by Edward Jenner about the year 1798, was the first notable victory of modern times over disease and pestilence. Until that time smallpox reaped a large harvest of lives every year, and was as common as measles is at the present time. Jenner's demonstration antedated the work of Pasteur by about three-quarters of a century.

In order to appreciate the importance of the discovery and use of vaccination against smallpox it is of interest to know something of the historical development of this important contribution to the prevention of disease.

At one time smallpox was the most common and the most dreaded disease in the world. Before the days of vaccination only 5 or 10 people out of every 100 escaped smallpox, and of those who contracted the disease about one person out of every four died. Many of those who recovered were scarred, maimed, or even blinded for life. The disease was so feared, and people were so sure that they would get it, that many of them had themselves inoculated with smallpox so as to have it and get through with it. Many of those who were thus voluntarily inoculated with smallpox died, but the death rate among the inoculated was much less than among those who contracted the disease in other ways.

While a medical student Edward Jenner learned from a milkmaid that persons who had been inoculated with cowpox were not subject to smallpox. This fact impressed Jenner, and when

he finished his medical course he began to seek out people who had been inoculated with cowpox and persuaded them to allow him to inoculate them with smallpox. After he had inoculated 10 persons with smallpox and found that in no case did the disease develop, he decided to persuade some one who had never had either cowpox or smallpox to submit himself to inoculation, first with cowpox and later with smallpox.

This he did for the purpose of further determining the value of cowpox as a protection against smallpox. This experiment was made on May 14, 1796, when Jenner inoculated a young lad named James Phipps from an eruption due to cowpox—the virus, as it was called, being taken from a vesicle or sore from the hand of Sarah Nelms, a young girl who had contracted cowpox from milking an infected cow. In describing the experiment, Jenner says:

In order to ascertain whether the boy, after securing so slight an affection of the system from cowpox virus was secure from the contagion of smallpox, he was inoculated with variolous matter immediately taken from a smallpox pustule after slight punctures and incisions were made in both arms, and the smallpox matter was carefully inserted, but no disease followed.

Jenner's experiment was repeated many times in England, and the practice of vaccination from arm to arm was soon begun.

Vaccination was first practiced in the United States by Dr. Benjamin Waterhouse, of Harvard Medical School. At the instance of President Jefferson, an act was passed by Congress in 1813 to encourage vaccination. This act provided, among other things, for the free transmission of vaccine virus through the mails, and the appointment of vaccine agents. This act was repealed in 1822. The reasons advanced for the repeal of the 1813 law relating to vaccination, as disclosed by the record of the proceedings in Congress, were that the subject was one properly within the province of the several States, locally, and that the law constituted a monopoly and discouraged medical men from exerting themselves in promoting vaccination.

MODERN SANITATION

One of the important developments of recent years is the awakening of a sanitary conscience. To some men it is a new thought that the care of the body and cleanliness of surroundings are very important factors in the comfort, safety, and even the life and health of their fellow man. Preventive medicine of the present day teaches that we must not only safeguard our own body against infection and keep our own body clean for our own sakes, but quite as much for our neighbors' sake. It teaches the lesson of unselfishness, of community and public interest. One man alone can not fight successfully against the common foe, disease; it takes the combined and intelligent co-operation of the community.

The new public health developed within the past half century has given to us an entirely different conception of many of the factors that enter into the preservation of health and protection against disease. Many an old theory has been disproven. The old theory of the spread of disease through fomites or inanimate things, has been shown to be of far less importance than was at one time supposed. It is known that, in fact, this occasionally happens, especially with diseases spread through discharges from the mouth, nose, and throat. Instead of suspecting letters, books, umbrellas, walls, furniture, and other unlikely objects, which were formerly disinfected or destroyed, we now think of things recently moistened with saliva, such as drinking utensils, towels, toys, furniture, food, fingers, and flies. Many of our sanitary procedures of 50 years ago now require considerable modification in the light of present-day science.

Our conception of public health has been broadened so that modern public health is concerned not only with stamping out communicable disease, but with a much broader aspect of public health. There are many preventable defects which can be reached especially in the school child and industrial worker. Present-day preventive medicine must concern itself with problems of heredity and eugenics. The questions of immunity from disease, health hazards of occupation, the food supply, including milk and water, must be given consideration.

Within recent times there has come to exist a broadened public vision as to the duty of governments to individuals and to groups of individuals. This has led to progress which, generally speaking, has been initiated by far-seeing volunteers and directed along practical channels by official bodies, which is the proper sequence for progress among self-governing people. Thus in our own time there has been a marked development of public-health activities and an increased appreciation of the obligations of governments and of the public, especially to those who need help because of mental or physical infirmities, as well as to

those engaged in vocations either intrinsically detrimental to health or else productive of pecuniary returns so small as to render well nigh impossible home environments and living conditions conducive to health.

In the States this sentiment has been evidenced by the broadened powers and increased efficiency of their health departments, the passage of laws regulating child labor and fixing hours of labor for women as well as for those engaged in hazardous occupations, lessening of occupational hazards, better provision for the care of tuberculosis and mental diseases, and by intelligent efforts to eradicate typhoid fever, malaria, and other diseases having a bearing on the public health. Very significant, too, has been the recognition of the economic value of preventive medicine by great industrial organizations and life-insurance companies.

All conditions which tend to decrease the mental and physical fitness and efficiency not only of the present, but also the future generations, come within the sphere of interest of the ideal public-health servant who must keep step with the epidemiologist, the psychiatrist, the pediatrician, the syphilographer, the great industrial enterprises, and the sanitary engineer, as well as with the hospital and with the general practitioners. He can least of all afford to lose touch and sympathy with the individual sufferer.

VOLUNTEER HEALTH AGENCIES

The interest of the public is shown by the efforts of numerous volunteer organizations in the initiation and development of health movements throughout the several States. These are encouraging signs of a splendid future.

There is a field of usefulness for the volunteer health organizations when wisely directed. They must form the connecting link between many of the public and governmental agencies. Official health organizations and volunteer organizations must work together in close harmony.

It has been said that public health is purchasable, but the people are entitled to have skilled purchasing agents, whether the money comes from them in taxes or in voluntary offerings. It can not be had merely with sums of money, however large, nor with untrained, irresponsible personnel.

It is evident, therefore, that the foundation for that ideal condition for which we hope when the conquest of preventable diseases shall at length be accomplished, is being laid by an aroused public sentiment over widening areas of our country, and by increasing efficiency of Federal, State, and local health officers.

The very cornerstone of an effective national public health organization is the local health officer. The office must be one of sufficient dignity by adequate remuneration and certainty of tenure as to attract the right type of young men, and facilities which now exist in only two or three schools should be given in every medical school to educate men for these positions.

The State departments of health are making notable progress, but, with few exceptions, they are hampered in their usefulness by totally inadequate compensation to attract men fitted for the broader problems of modern preventive medicine.

UNITED STATES PUBLIC HEALTH SERVICE

No other country approaches the United States in efficiency of national health work. Our problem is peculiar to our form of government. The United States Public Health Service has been builded upon sure foundations. It is the result of evolution and gradual development, and its adaptability to changing conditions has been shown in the past few years.

The history of the United States Public Health Service dates back more than a century and a quarter. It had its origin in the old Marine Hospital Service, which was first authorized by act of Congress approved July 16, 1798.

The evolution of public health functions from such a service was along natural lines. The medical officers, in providing care for the American merchant marine, were often the first physicians to diagnose such diseases as cholera, yellow fever, smallpox, and the like, which were being imported into the United States. This was especially the case in the southern ports as regards yellow fever, and during epidemics when called upon by State and local health authorities the President authorized the Marine Hospital Service to aid the health authorities in giving relief in the control of these diseases.

In 1878 Congress authorized the use of the Marine Hospital Service in an extensive way as the Federal health service. The act approved April 29, 1878, gave very broad powers to the service to cooperate with State and local health authorities in the control of diseases, especially yellow fever. The above mentioned act was, for the most part, a quarantine law to prevent the introduction of contagious and infectious diseases into the United States. In 1890 Congress passed an act

which utilized the Marine Hospital Service as the Federal health agency for the prevention of interstate spread of disease.

FEDERAL, STATE, AND LOCAL COOPERATION

The act of February 15, 1893, extended the powers of the Marine Hospital Service to cover the control of all infectious and contagious diseases in cooperation with State and local health agencies.

After the act of 1893, which recognized the Marine Hospital Service as the Federal health service, Congress continued to impose additional health functions upon the service, and on July 1, 1902, passed the act which changed its name to the Public Health and Marine Hospital Service and made it a health service in name as well as in functions. The larger part of its functions up to this time had been the combating of epidemics, especially of those of yellow fever, which from time to time swept over the country.

While the public-health functions of the service had their inception in the prevention of the introduction and spread of quarantinable diseases, their development in logical sequence was brought about by growing public opinion. In addition to the quarantine and hospital functions the activities of the service include research and educational work. The investigative functions began with the study of such diseases as yellow fever and cholera in the early years of the existence of the service, but it was not until July 1, 1902, that Congress authorized the establishment of the Hygienic Laboratory for that purpose. Since this legal authorization, the Hygienic Laboratory has grown very rapidly, until it now stands as one of the foremost research institutions in the world.

From the control of epidemics the Public Health and Marine Hospital Service began to study control measures for the more common contagious and infectious diseases, such as typhoid fever, diphtheria, scarlet fever. The history of the remarkable control of typhoid fever which has taken place in the United States within the past 20 years is a part of the history of the Public Health Service, in cooperation with State and local health agencies, and now typhoid fever, which formerly took a total of more than 50,000 lives annually of the population of the United States, is responsible for the death of something less than 10,000.

The development of the health functions of the Public Health and Marine Hospital Service continued until finally Congress by the act approved August 14, 1912, changed the name again to its present one, the United States Public Health Service, and at the same time gave it very broad powers to investigate the diseases of man and the pollution of navigable streams and lakes of the United States.

There is not so much duplication, either in human endeavor or financial output, in the Federal medical and health activities as is supposed, but there is a lack of unification and coordination which all are interested in correcting.

The legitimate functions of the Federal Government in public-health matters in the United States appear to be—

First. The supervision and control of essentially national and international health matters, such as the protection of the country from the introduction of disease from without and the control of the interstate spread of disease.

Second. Research and investigation of public-health problems.

Third. Cooperation with State and local health authorities in matters when necessary and desired by them.

Fourth. The formulation of minimum health standards.

Fifth. The dissemination of information with regard to health matters for the education of the general public.

Sixth. Furnishing leadership and stimulation in the solution of health problems.

Seventh. Medical examinations of arriving aliens or aliens destined to enter the United States.

Eighth. The furnishing of medical care and treatment to certain beneficiaries specified by law.

Ninth. The supervision and control of biologic products sold in interstate commerce.

The United States Public Health Service now possesses all the authority which can be granted to it under the present Constitution. The problem, therefore, is to develop the Public Health Service and supply it with adequate funds and trained personnel.

NEW LEGISLATION

The House of Representatives passed on March 7, 1928, H. R. 11026, which is designed to render more efficient the Federal health activities. This bill provides for the coordination of Federal health activities, and gives to the Public Health Service the facilities necessary for it to function more efficiently as the central health agency of the Government. This bill was drafted by the health agencies of the country represented in the National Health Council, after a study of Federal health

problems in cooperation with the Bureau of Governmental Research. It is approved by national medical, dental, health, and engineering associations. The principles of the bill likewise have been endorsed by the United States Chamber of Commerce and by the American Federation of Labor.

Although the coordination of Federal health activities has been agitated for years, never before has such unanimous endorsement been given to any specific measure by the public-health agencies of the country.

Through successive acts the Congress has provided broad authority for Federal public-health activities. For the most part the discharge of these activities has been imposed upon the United States Public Health Service. Accordingly that service has been developed as the essential health agency of the Government. Although the policy long has been established and reaffirmed by Congress that there should be thorough cooperation of the Public Health Service with State and local health authorities, no such general provision has been made for similar cooperation with other governmental establishments. In consequence public-health work has been undertaken by various Government departments independent of, and uncorrelated with, the activities carried on under the basic health laws mentioned.

In special instances these health functions of other departments have been recognized as requiring cooperative effort, and this has been provided for by law. In this class may be mentioned the medical examination of immigrants, measures in foreign ports for the sanitary protection of American commerce, the sanitation of mines, the sanitary protection of shellfish areas, and the oversight of therapeutic agents. Officers of the Public Health Service have been detailed, therefore, under specific provisions in aid of these matters, to the Immigration Service, the Consular Service, the Bureau of Mines, the Bureau of Chemistry, and in the case of the Bureau of Fisheries the work is correlated.

It is highly important, from the health standpoint, for this policy to be extended so as to apply to all agencies of Government not specifically provided with medical and sanitary services. The need to strengthen the health activities of the Government and to bring about their proper correlation has long been recognized. In order to insure the orderly development of Federal health work and to prevent waste, authority to this end should be established. As stated by Dr. William H. Welch, of Johns Hopkins University, at hearings before the congressional committee:

The growth of the Public Health Service to-day has placed it in the front rank among corresponding agencies of government in other countries. The service contains in increasing numbers leading experts in the field of preventive medicine and public health in this country * * * who can express authoritatively the best knowledge which we have as regards the promotion of health and the prevention of disease.

SCIENTIFIC RESEARCH FIRST

Scientific research is the most important public-health function of the Federal Government. By means of a proper system of correlation, duplication and useless effort would be avoided and greater progress would be assured in the solution of important health problems which influence adversely the national welfare.

DIPHTHERIA

Diphtheria is one of the communicable diseases of which we know the cause and mode of transmission, and for which we now possess a specific preventive and curative agent of great potency. We also have now a reliable test, called the Schick test, which indicates whether or not a given individual is susceptible to the disease. The introduction of the toxin-antitoxin mixture, which provides permanent immunity against diphtheria, places in the hands of health authorities a most valuable weapon for further combatting this disease. The death rate from diphtheria has responded quickly to the medical discoveries of the past half century. The first aid to the control of this disease was Von Behring's discovery of diphtheria antitoxin. In the period immediately following the general introduction of this antitoxin in the treatment of diphtheria (1894-1905) the death rate in 23 American cities declined at the rate of 10.2 per cent per year.

In 28 American cities for which the rates have been computed the decline has been from about 116 per 100,000 in 1890 to 8 per 100,000 in 1925. This extraordinary achievement in public health will probably stimulate campaigns for the better control of other communicable diseases.

THE PASSING OF YELLOW FEVER

Probably no brighter spot illuminates the highway of scientific knowledge and no more interesting chapter exists in history than that which marks the passing of yellow fever. To those who recall the appalling epidemics of only a generation or two

ago, and the panics which they produced, this achievement seems little short of miraculous. Yellow fever has not been an epidemic in the United States since 1905, and it has been out of reckoning in the United States for several years past except for the important work of safeguarding our ports and frontiers. Within recent years the attack on yellow fever has been extended to Mexico and Central and South America. It is the hope of sanitarians that the Western Hemisphere will eventually be rid of one of its worst plagues. Dr. Carlos Finlay discovered the part played by the mosquito *Aedes egypti* in causing yellow fever in 1881, but the announcement received no credit until about 1900. Early in 1900 Dr. H. R. Carter, of the United States Public Health Service, showed that a lapse of 12 to 15 days is necessary before a case of yellow fever becomes dangerous to others. Following this came the epoch-making work of Dr. Walter Reed and his coworkers, showing that yellow fever is produced by a mosquito bite by infection of blood and by injection of filtered blood serum, thus proving the existence of a filtered virus. These observations were confirmed by Rosenau, of the Public Health Service, in 1903.

MALARIA

The parasite which causes malaria was discovered in 1880. However, it was not until about 1897 that Sir Ronald Ross made the important discovery of how the malaria parasite gets into the blood of man. It was through his studies that it was shown that the Anopheles mosquito was the means whereby the malaria parasite was spread from person to person. The development of methods of attack on malaria soon followed the discovery of the rôle the mosquito played in transmitting malaria. The application of this knowledge relating to malaria by public-health authorities has been successful in ridding large areas of malaria infection.

TUBERCULOSIS RETREATS

Half a century ago tuberculosis caused more than 320 deaths annually in every 100,000 of the population of Massachusetts. Probably this rate is not higher than the rate for other States for which records are not available. To-day tuberculosis causes less than one-third of this number of deaths per 100,000. While the reduction of the death rate from tuberculosis has undoubtedly been due, in part, to natural causes, it is probable very much more has been the result of public-health activities. Among the specific measures that have contributed to this result are improved and more accurate methods of diagnosis, the pasteurization of milk, the abolition of the common drinking cup and other utensils used in common, the inspection of meat products, and improved housing.

MILK AND PUBLIC HEALTH

The relationship of milk supplies to the public health has long been recognized as of great importance. Through the medium of milk many diseases are spread, among which may be mentioned diphtheria, scarlet fever, tuberculosis, typhoid fever, cholera, dysentery, and septic sore throat. Diseases spread by infected milk have also been the cause of high mortality rates among children. Louis Pasteur, of France, found that milk would not rapidly ferment or sour if raised to a certain temperature, and kept that temperature for a given period of time. This is what is now generally known as the process of Pasteurization, so named from the man who first developed this method of destroying disease-producing germs in milk.

The sound principles of the effective sanitary control of milk have been established to the satisfaction of the scientific world. These principles are sufficiently well understood to form the basis of effective milk legislation and milk regulation. It only remains to bring to the attention of the general public the complete realization of the food value of milk, and of the great principles of sanitary control of milk, in order to produce a satisfactory solution of the milk problem in every community.

PURE FOOD LAWS

The first attempts at food control were made by local communities, generally by cities, where the residents were removed from actual contact with the producers of food. The laws which were first enacted usually related to specific productions, few embraced foods in general. One of the earliest laws regarding foods in general was enacted by the State of Illinois in 1874. In 1906 the Federal law relating to food and drugs was enacted. Within two years after the passage of this act, at least 30 States amended or enacted food laws. Many of these followed the general lines of the Federal law, but many differences remain and the ideal uniformity has not yet been reached. The pure food and drugs act of 1906 has been of great value in protecting foods sold to the public against adulteration. Improved methods of canning, preserving, and refrigeration of foods have also been introduced during the past 50 years.

SCARLET-FEVER CONTROL

Recent studies have developed a serum which is believed to be of considerable value in the treatment of scarlet fever. Drs. George F. Dick and Gladys H. Dick, of Chicago, have described a test which is useful in determining whether given individuals are susceptible to scarlet fever. It is believed by public-health officials that this test will be of material value in the control of scarlet fever. In the early development of preventive medicine the suggestion was made that preventive medicine and curative medicine must proceed along divergent paths. In this connection it is interesting to note that modern theory and practice have brought about a result entirely different, and at the present time it is frequently difficult to say where one branch begins and the other ends. Curative medicine in its methods has become largely preventive and now deals with immunization and prevention as a part of its work. The development of the Schick test for diphtheria and Dick test for scarlet fever are an example of this, while in matters of tuberculosis and venereal disease it is frequently difficult to note any line of demarcation between cure and prevention.

PELLAGRA PREVENTED

Pellagra has long been included among the diseases associated with food for the evidence has indicated that it is caused by a deficient diet. This disease was first recognized in the United States in 1864, after which it was more or less overlooked until 1906 when cases were reported from the Alabama Insane Asylum. In subsequent years many cases were reported in various parts of the country, particularly in the South. This disease has been made the subject of special study by the United States Public Health Service. Dr. Joseph Goldberger and other officers working with him have shown that by diet alone the disease has been produced in subjects, and by the same means they have prevented and cured it if not too far advanced. It is believed that the case is reasonably proven and the work done by these investigators within the past few years stands as a very important achievement in preventive medicine. Studies in connection with pellagra have indicated the value of brewer's yeast in furnishing a well-balanced diet. Acting on this knowledge, extensive use has been recently made of brewer's yeast in the flooded area along the Mississippi River in the prevention and cure of this disease.

SPOTTED FEVER

Rocky Mountain spotted fever is a disease prevalent in certain sections of the western part of the United States. In the area where this disease exists a number of cases occur annually, particularly in persons engaged in outdoor pursuits. For more than 25 years the Public Health Service has been conducting studies relating to this disease. As a result of these studies there has been developed by Drs. R. R. Spencer and R. R. Parker, a vaccine which the evidence at hand tends to show is of great value in preventing the disease and in lessening the severity of cases that develop. The discovery of this vaccine is considered to be one of the important advances in preventive medicine of recent years. With the preparation of this vaccine new principles relating to the production of vaccines have been developed.

RABBIT FEVER WIDESPREAD

In 1910 officers of the Public Health Service, while engaged in plague-control measures in San Francisco, Calif., observed a plague-like disease in rodents. This disease, although resembling bubonic plague, was found not to be plague. It was not until 1921 that this disease was identified as rabbit fever, or tularemia. Studies by Dr. Edward Francis, of the Public Health Service, have shown its importance and wide prevalence. The presence of this disease in almost all of the States in the Union has been reported. It has also been identified in Japan. The studies leading up to the recognition and description of this disease are an important landmark in the recent progress of preventive medicine.

VENEREAL DISEASES

Fifty years ago but little thought was given to the public-health aspects of venereal diseases. With the development of salvarsan, the perfection of the Wassermann reaction, and other bacteriological advances in this field, important weapons have been placed in the hands of public-health authorities for the control and eradication of these diseases. There has been a general awakening on the part of the public to the importance of campaigns directed against these diseases, and as a result, many State and local boards of health are now conducting vigorous antivenereal-disease campaigns.

HOOKWORM ERADICATION

In 1902 Dr. Charles W. Stiles, of the United States Public Health Service, demonstrated that the widespread anæmia present among the population of the Southern States was due

to hookworm disease. This discovery is one of the most important public-health advances of the century, and through the campaign for the eradication of hookworm disease which followed this discovery, a great impetus has been given to public-health work generally throughout the Southern States as well as the entire country.

WATER

The history of water purification is closely associated with the general progress in sanitation and public health within recent years and with the rise of the modern science of preventive medicine. Judged by our present-day standards the water supplies of the United States of a few years ago were low. The germ theory of the transmission of disease by means of polluted water was not generally accepted until less than 50 years ago, and water purification was practically an unknown art. Water analyses were confined to mineral constituents. A study of the records of those times shows many notable typhoid epidemics. To-day typhoid fever is a vanishing disease, except in communities that are negligent in applying the well-known principles of modern sanitary science. From the standpoint of preventive medicine an outbreak of typhoid fever is a reproach to the sanitation and civilization of a community. In 1877 the death rate from typhoid fever in the United States was about 45 per 100,000. In 1910 it was 23.5, and in 1926 it was 6.5.

BIRTH, DEATH, AND DISEASE STATISTICS

The collection of statistics relating to births, deaths, and the prevalence of disease has made rapid development throughout the civilized world during the past 50 years, particularly the collection of information relating to deaths and the prevalence of disease. In the United States the development of a death registration area and a birth registration area have been brought about. A city or State is admitted to the death registration area only if it can be shown that 90 per cent of the actual deaths are being reported. A similar requirement is made for admission to the birth-registration area.

In 1877 there was no registration area in the United States. In 1880 a registration area was established comprising 17 per cent of the population. In 1900 the collection of annual statistics of deaths was begun, 40.5 per cent of the population being included in the area. In 1928, 93.5 per cent of the population was included in the registration area. Figures for the United States or for considerable sections of the country earlier than 1900 are approximate only, as only a few States and cities have reliable data earlier than that year.

Although the United States was collecting and publishing current information relating to the prevalence of disease before 1912, the data were from scattering sections of the country and incomplete. In 1912 a standard form for reporting notifiable diseases was agreed upon at a conference of State and Territorial health authorities with the United States Public Health Service. In the same year reports for annual prevalence of disease for cities was begun, including only a few cities. Cities having a combined population of approximately 50,000,000 were included in the compilation for 1926. The data for States were first published in 1913. These reports were incomplete and included only about 17 States. In 1926 reports were received from 47 States and also the District of Columbia, Territory of Hawaii, and Porto Rico.

In preventing and controlling the spread of disease, prompt information is necessary in regard to the locality of occurrence and conditions under which it is occurring. Modern means of transportation and the increase in the rate and amount of travel by rail, by automobile, and by airplane, greatly facilitate the rapid dissemination of communicable diseases and greatly emphasize the need for such information.

But few States required the reporting of communicable diseases a few years ago. At the present time every State in the Union has laws or regulations requiring the reporting of certain diseases to officials whose duty it is to record and act on the information.

BOARDS OF HEALTH

In 1869 only three States, Massachusetts, California, and Virginia, had established boards of health. The health department of the District of Columbia was established in 1870. By 1876 only 12 States had developed boards of health. In 1891, 36 States had health departments. Every State in the Union now has a health department.

It is said that a board of health was established at Petersburg, Va., in 1780; one was certainly established in Philadelphia in 1794, and one in New York in 1796. By 1873, 32 cities had established boards of health. Every city of any magnitude in the United States now has an organized health department.

YAKIMA COUNTY LEADS

A county in my district has the distinction of having the first whole-time county health department to be established

in the United States. I refer to Yakima County, Wash., where the first whole-time county health department was established in 1911. In 1928, 414 counties in the United States are provided with local health service under whole-time health officers. During the past 12 years the Public Health Service has undertaken a program of cooperative demonstrations in rural health work from which have come many sanitary and economic benefits to the communities, and stimulation for the development of whole-time county health service.

At the present time there is in every State some regular provision for local health organization.

INTERNATIONAL SANITATION

With the great progress of the public health movement throughout the world during the past half century, advances have been made in international sanitation also. The necessity of international sanitary agreements and standards were first emphasized by the cholera epidemics which occurred in Europe during the early eighties and nineties. The first international sanitary conference was held in Rome in 1885. The United States was not represented at this meeting. Other international conferences in which the United States was represented were held in different European cities at varying intervals. The international sanitary convention of Paris was signed ad referendum December 3, 1903. The United States Senate, by its resolution of March 1, 1905, ratified this convention. The exchange of ratifications between the representatives of the participating nations took place in Paris, April 6, 1907. This agreement, which modified the measures necessary to guard against the invasion of bubonic plague and cholera, emphasized the responsibility of the different governments to each other in matters pertaining to public health.

Following another international sanitary convention held in Rome in December, 1907, the International Bureau of Public Hygiene of Paris was organized with the object of facilitating the collection of facts concerning the public health, especially those relating to the importance of recognizing the various stages of infectious diseases and the measures to combat them. The organic statutes organizing an International Bureau of Public Hygiene authorized direct communication with the principal health authorities of the participating governments. The foundations of the International Office of Public Hygiene were laid as for an institution that is to be permanent. In organization it resembles the Permanent International Postal Bureau.

The latest revision of the International Sanitary Convention was signed in Paris June 21, 1926. The United States Senate on March 22, 1928, ratified this revision of the sanitary convention.

The Pan American Sanitary Bureau of American Republics was founded by the International Conference of American States held in the City of Mexico in 1901. The object of this organization is to discuss freely all matters relating to the public health, particularly those which affect the American republics, and to encourage the execution of the resolution of agreements decided upon by the conventions. The Pan American Sanitary Bureau of American Republics holds meetings at intervals of two or three years.

As a result of the Pan American Sanitary Conference held in Habana, November, 1924, there was adopted the present Pan American Sanitary Code which is believed to be one of the most comprehensive instruments of this kind that has ever been adopted.

TYPHOID FEVER WALKS THE PLANK

The bacillus which causes typhoid fever was discovered in 1880. Subsequent studies showed that this organism may be spread to persons through food, fingers, and flies. In 1896 Widal announced the agglutination test for the diagnosis of typhoid fever. Although protective inoculation by means of vaccine, against typhoid fever, was practiced as early as 1895, it was not until several years later that inoculation for the prevention of typhoid was practiced on an extensive scale.

This was made effective on a large scale in the United States Army in 1909, where its use was shown to be highly satisfactory. Formerly it was an axiom that typhoid fever was a scourge of all armies. In the Spanish-American War 1 man out of every 6 contracted typhoid fever in an army of 107,973, and this disease caused 1,580 deaths in the same Army. During the World War 1 man out of every 3,756 in an army of approximately 4,000,000 contracted typhoid fever, and there were only 213 deaths from this disease. This remarkable record is due, in large measure, to the protective inoculation against typhoid fever given every person entering the Army.

In 1900, typhoid fever was excessively prevalent in the country as a whole. Approximately 35.9 persons out of every 100,000 died of the disease in that year. Estimating 10 cases for each death, there were, on an average, 359 cases per annum out of every 100,000 of the population. This was in striking contrast

to the low mortality rates of the older countries in northwestern Europe.

Preventive medicine has developed to such an extent that we are sometimes prone to have a false sense of security and neglect important fundamentals of sanitation. It has been stated that a large epidemic of typhoid fever is impossible in a city with present modern sanitary conditions. It was said that a city provided with thoroughly safeguarded water supplies and adequate control of milk and foodstuffs need not fear the epidemic prevalence of typhoid fever. However, if any of these essentials of sanitation are neglected, even for a short time, a disastrous epidemic may occur. As an example of this, it may be stated that during 1927 there occurred in the city of Montreal, Canada, an outbreak of typhoid fever in which more than 5,000 cases occurred and approximately 524 deaths were recorded. This tragic instance serves to impress the necessity of adequate public-health protection and demonstrates that eternal vigilance is the price of sanitation.

FILTERED WATER

A most interesting and important phase of development in public-health work has been the improvement of the quality of public water supplies by filtration plants and other purification processes. In 1890 only about 1.5 per cent of the urban population of the United States was supplied with filtered water. By 1900 the proportion had reached 6.3 per cent. Since that date the development has been very rapid, and it is estimated that now more than 50 per cent of the urban population of the United States is supplied with filtered water.

BUBONIC PLAGUE

Bubonic plague is an ancient disease, and it is difficult, if not impossible, to even estimate the number of deaths for which it is responsible. The plague bacillus was discovered in 1895 by Yersin. Later studies showed the rôle of the flea as the transmitting agent of plague from rat to rat or from rat to man. The work of the Indian Plague Commission, appointed by the British Government, stands as an important milestone in the progress of the knowledge of plague.

Plague first appeared in the United States in 1900 at San Francisco. It was recognized in 1907 in Seattle, in 1914 at New Orleans, and again in 1920. Later, in 1920, it was recognized in Beaumont and Galveston, Tex., and in Pensacola, Fla.

In 1904 it was suspected, in 1908 it was demonstrated that bubonic-plague infection had spread from the rat to the ground squirrel of California. It has been present among these rodents ever since. In spite of outbreaks of plague that have occurred, through broad and vigorous campaigns conducted by the United States Public Health Service in cooperation with the State and local health authorities so far any extended epidemic of the disease has been prevented. Without any knowledge of the mode of spread or method of control of this disease it is not unreasonable to believe that the scourge might have swept the country.

In 1924 plague made its appearance in Los Angeles, Calif., and after an active campaign it was brought under control. Two months later the infection was noted in New Orleans, La., and Oakland, Calif. However, measures for its control were promptly put into effect. These campaigns for the control of plague have been successfully concluded.

MENTAL HYGIENE

Decided advances in mental hygiene and a fuller recognition of the tremendous importance of this now well-defined branch of medical science have been made within recent years. Facilities for the care and treatment of persons afflicted with various forms of mental diseases have been enlarged and improved. Methods of prevention and treatment have been modified to correspond to the present-day conception of the cause and correction of such conditions. Institutions and colonies for the care of those mentally sick, epileptics, and the feeble-minded have become a necessary part of the public facilities provided by the States and the Federal Government.

The scope of mental hygiene is so great that it is difficult to enumerate its many ramifications. The enormous problem involved in the proper care of the mentally sick and the feeble-minded comes under this category. It is futile to attempt to solve the problem of mental hygiene by building more institutions and increasing the facilities for custodial care. The proper approach to the scientific prevention of both diseases and defects of the mind is the use of every source of medicine and biology. Utilization of any one of the several fields that must be explored—pathology, chemistry, and psychology—will doubtless offer valuable aid in the further study of mental hygiene.

It has been stated that there are in the United States more persons who are mentally sick than those that are physically ill. The admission rate to the mental hospitals in the United States is now about 90,000 new patients annually.

The recognition of mental hygiene as an important field of preventive medicine and public health is one of the great advances of recent years.

Public health education is a phase of activity in the field of preventive medicine which has developed with the advance of scientific knowledge. During the past few decades very rapid progress has been made in public health and sanitary research. There has been added to our knowledge of diseases and their prevention, much more knowledge than is being used. The problem, therefore, arises as to how to present to every individual in a community the important facts he should know about the prevention of diseases and the public health.

To give information on any subject to everyone in a community is a tremendous task and one that can never be finished. It has no end because new facts are being constantly developed through research and new people are being added to each community through new arrivals and the growth of children to the teachable age. The promotion of the public health through health education, therefore, is a task of imparting an increasing mass of information to an ever-changing population. The magnitude of such a task, instead of being a cause for pessimism, should be a challenge to develop a plan whereby each community may feel a sense of responsibility in the very important task of health education.

The facts needed for health education are developed by the laboratory workers, those engaged in scientific research of all kinds, field workers in epidemiology, vital statisticians, and clinicians who are close observers of their patients.

Failure to eliminate certain diseases is frequently not due to want of knowledge of the cause, but to inability to get this knowledge to those who require it most.

Death rates for the United States as a whole have been reduced from 17.6 per 1,000 in 1900 to 12.2 in 1926.

The infant mortality rate has been reduced from approximately 167 per 1,000 births in 1890, to 72 in 1926. The death rate from tuberculosis has been reduced from 201.9 per 100,000 in 1900 to 87.1 in 1926. Similar results are noteworthy in the reduction of other communicable diseases, and some of the American cities have attained even greater reductions.

At the close of the nineteenth century the average length of human life was between 45 and 50 years. To-day it varies from about 24 years in India to 60 years in New Zealand. The expectation of life in the United States for 1926 was 57.74 years. The best available figures show that the span of life in the United States has been lengthened 15 years since 1870.

Much has been accomplished in preventive medicine and hygiene—much more remains to be done. There is yet too much preventable disease. Many problems are still unsolved. Figures at hand indicate that deaths from diseases of the heart, blood vessels, and kidneys, apoplexy, insanity, and cancer have increased during the past 40 years. Unfortunately the exact cause of many of these and other chronic degenerative diseases is still obscure.

The triumphs of modern preventive medicine and sanitation have been great. The problems for solution are still greater. The true aim of all scientific investigation and public-health endeavor is the prevention of disease and the promotion of public health.

THE AGRICULTURAL SURPLUS CONTROL BILL

MR. LOZIER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the farm problem.

THE SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MR. LOZIER. Mr. Speaker, by a decisive vote in the House and Senate, Congress has again passed the McNary-Haugen bill. By this action Congress once more recognized that the demands of agriculture are just and should be granted. From the day this legislation was first proposed in Congress it has gradually grown in favor. It has outlived the taunts, jokes, and contemptuous sneers that were directed against it by the beneficiaries of special privilege, the buccaneers of big business, and those short-sighted statesmen who, without a careful study or understanding of the bill, arrogantly denounced it. It has had the experience that all great measures encounter. When they are first proposed they are ridiculed and denounced. Then they are declared economically unsound; and in the final stages they are challenged as unconstitutional. But after all, if a measure is sound and just and intended to remedy social injustice, it will survive and become a law. And this farm-relief legislation has had to travel this rough and rocky road. But the soundness of the principle and the justice of the plan is now conceded by the best-informed students of agricultural conditions and a very substantial majority of the House and

Senate, and the measure will soon be sent to the White House for the President's approval.

I do not know whether the President will approve or veto this measure. I am convinced that he should give it his approval. I am sure he would do this if it were not for the crowd of ultrareactionaries who surround him and use their baneful influence to defeat all legislation that is designed to break the power of big business and give the masses a square deal. But if the President should again veto the measure his veto will not mark the end of the McNary-Haugen bill. A veto will serve to strengthen the demand for this legislation, and the next Congress will favor this bill by an increased majority which will insure its enactment even over a third presidential veto.

The arguments against the enactment of this legislation have crumbled one by one because they could not stand the acid test of intelligent analysis and thoughtful consideration. By high tariff laws the Federal Government has stabilized the manufacturing industry which has insured higher prices for manufactured commodities than could be obtained without these tariff laws. By the transportation act and the law creating the Interstate Commerce Commission, the Federal Government has stabilized the transportation industry and enabled the railroads to secure higher rates and larger net profits than were possible without this legislation. By the Federal reserve act the Federal Government has stabilized banking and finance, regulated interest rates, controlled loans and credits, and made the banking and financial pursuits safe and profitable. By numerous acts of Congress the Federal Government has stabilized big business and commerce and tremendously increased the profits of those who engage in these vocations. By orders of utility boards and public-service commissions the Federal Government and States have stabilized the business of street-railway companies, electric-light companies, water companies, telephone companies, and other lines of business, increasing their profits at the expense of the general public. By the Adamson law and numerous other acts the Federal Government has stabilized labor and enabled the organized wageworkers to secure higher wages and more satisfactory working conditions.

In short, the Federal Government and State governments have by class legislation and special privilege laws stabilized and increased the profits of every great industry except agriculture. According to the Coolidge-Mellon-Hoover-Jardine theory every great basic industry except agriculture should be nursed, petted, babied, and favored by the Government, but when agriculture asks for a little of the same kind of medicine that the Government has been granting unstintingly to these other vocational groups, the door of the White House is slammed in the faces of the American farmers. If Congress and the President would only try half as hard to find a remedy for the farmers' ills as they have worked to aid the manufacturing, transportation, banking, and business interests, a satisfactory solution of the farm problem would have been found long ago.

But the industrial East is in the saddle, riding booted and spurred, roughshod over the agricultural classes. Big business gets all the legislation it wants, but the agricultural classes are given scant consideration by the Coolidge-Mellon-Hoover-Jardine oligarchy. How long will the American farmer be deluded by the false philosophy of the industrial East? How long will the western farmer continue to carry hay and water to the eastern industrial elephant? How long will the 30,000,000 American people who depend either directly or indirectly on agriculture for a livelihood be satisfied with the few crumbs that fall from the table laden with bounties and legislative favors for the special-privilege classes? And how long, O how long, will the western Republicans submit to the party lash in the hands of a few eastern Republicans who worship at the altar of special privilege, use the party of Lincoln, Grant, Garfield, and Blaine to accomplish their sinister and selfish purpose and feather their own nests, and whose sordid and shortsighted leadership and opposition to farm-relief legislation have driven agriculture dangerously close to the abyss of bankruptcy?

In this connection I want to express my appreciation of the very valuable service rendered by my colleague from Missouri [Mr. RUBEN]. From the beginning of the fight for farm relief he has been on the firing line, working in season and out of season to secure the enactment of legislation that would relieve the American farmer of the unjust handicap under which he has so long labored. He has never faltered in his devotion to the interests of agricultural classes.

As a member of the Committee on Agriculture that framed the McNary-Haugen bill, Mr. RUBEN rendered the people of his district and the farmers of the Nation a very valuable service. He was faithful in attending the meetings of this important

committee. He patiently and industriously aided in framing this legislation. His understanding of the farm problem, his sympathy for the farming classes, his ripe experience as a legislator, his sound judgment and admirable qualities of mind and heart enabled him to render a service to agriculture the value of which can not be easily computed. Many times when the fate of this bill hung trembling in the balance the vote of the gentleman from Missouri [Mr. RUBEN] turned the tide and gave the friends of farm relief a majority in the committee, and I understand at times the committee was so evenly divided that this bill probably would not have been reported out in its present form had it not been for the vote and influence of Mr. RUBEN. I am indeed glad to bear testimony of the great value of the service Mr. RUBEN has rendered to his district and the country at large, and I indulge the hope, which I am sure is concurred in by all the Members of this body, that he may be reelected and that the people of his district may continue to have the benefit of his valuable services.

Nor can I forego the opportunity to commend the splendid services of my colleague from Missouri [Mr. CANNON] in this fight for equality of agriculture. Ever since I came to Congress his office has been close to mine, and I have been intimately associated with him in legislative matters. Times without number I have consulted him with reference to pending legislation.

I soon found that his judgment was sound, that he was well informed on economic problems, that he was an expert parliamentarian and thoroughly familiar with the legislative machinery, and that his heart was on the right side of every issue, especially the agricultural question. In the five-year battle to pass the McNary-Haugen bill it has been my privilege and pleasure to fight side by side with him, and in this long struggle he has never faltered. From the first he realized the nationwide distress of agriculture and the absolute necessity for the enactment of legislation that would place agriculture on a parity with other industries; and having put his hand to the plow he never looked back, never compromised on any essential provision of the measure, and never surrendered. When the outlook was most discouraging he never lost confidence in the cause and never doubted that ultimately a worth-while farm relief bill would be enacted based on the McNary-Haugen formula. In the recent contest he rendered the agricultural classes of the Nation a service the value of which can not be measured in dollars and cents.

I am proud of the record made by my Democratic colleagues of Missouri on farm legislation. Every Democratic Member from rural Missouri voted for and loyally supported the McNary-Haugen bill, thereby demonstrating their interest in the welfare of their constituents and their capacity to render their districts and the Nation efficient service.

From what I have said about my colleagues Mr. RUBEN and Mr. CANNON having had an active part in securing the enactment of the McNary-Haugen bill it must not be assumed that my other Democratic colleagues from Missouri were any less active in support of farm-relief legislation. As I have said, every one of my Democratic colleagues from rural Missouri gave their votes and aggressive support to this legislation. But in the fight to put over the legislative program of the American farmers I have been very closely associated with Mr. RUBEN, a member of the Committee on Agriculture, and with Mr. CANNON, each of whom have given special attention to the farm problem, while my other Democratic colleagues from Missouri being on other committees, though not neglecting farm-relief legislation, were nevertheless compelled to give much of their time to the important problems coming before their committees for consideration. In other words, every Democratic Representative from rural Missouri has kept the faith and have a 100 per cent record on farm-relief legislation.

Mr. BLACK of Texas. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the control of farm surplus.

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

There was no objection.

Mr. BLACK of Texas. Mr. Speaker, the agricultural surplus control bill, commonly referred to as the McNary-Haugen bill, passed the House of Representatives May 3 by a vote of 204 to 121. I voted in favor of the bill because I believe it makes a serious and well-directed effort to deal with what I regard as our greatest economic problem, to wit: The marketing of the surplus of our farm products in a way so as to prevent such surplus from bankrupting the growers who produce it. When, as a Member of Congress, I have voted upon measures affecting agriculture, I have supported every measure which I thought would be helpful to the farming industry. In doing so, I have

not felt that I was supporting class legislation, but legislation for the benefit of the whole community.

Mr. Speaker, there are many problems of farm production, but I shall not discuss them to-day because, notwithstanding the many difficulties attending production, the fact remains that our farmers manage to produce as much of the basic farm commodities as the world needs, and in some years more than the world will use, at a fair and living price to the grower under present marketing conditions.

The big economic problem which confronts us, for example, in the cotton industry, and one that is worthy of the efforts of our best minds to solve, is to market it at a price which will yield a fair profit to the grower and will not bankrupt him when it happens that a surplus is produced.

The present glaring defect in our marketing system is illustrated by the fact that in 1925 we produced a crop of 16,000,000 bales and sold it for \$500,000,000 more than a crop of around 18,000,000 bales produced in 1926. And in 1927 we produced a crop of 12,700,000 bales and sold it for as much as we sold our 18,000,000 crop in 1926.

Thus we have the unsound situation of rewarding the producer for producing less and penalizing him to the point of bankruptcy for producing more. Surely some way must be found by which that situation will be corrected. What we need to do is to develop a better marketing system, so that the price of our product will not be stagnated by a temporary surplus. Control the surplus and manipulation of the market will be impossible. Leave the surplus uncontrolled and it will be very difficult to work out any marketing system which will save the farmers from heavy losses.

So the remedy lies in the control of the surplus by some adequate surplus-control agency. What do we mean by a surplus? I would define it to mean that part of the crop which if marketed during the usual 12 months of consumption depresses the price of the whole crop to a point where it is unprofitable to the grower. Farm surpluses are in part within the control of the producer and in part they are beyond his control.

To state it another way, farm surpluses are due in part to acreage and the use of fertilizer, both of which are, of course, under the control of the farmer and in part to the seasons and insect damage, over which he has but little control. None, of course, as to seasons, and not very much as to insect damage. Therefore if surpluses are reasonably controlled so as to put farming upon a more profitable and stable basis, two agencies must work together to accomplish that end.

First, I am convinced after the best study I can give to the problem the Government must set up some kind of machinery along the lines of that provided in the McNary-Haugen bill for the control of the surpluses when they occur; and second, the farmers must cooperate by diversifying their crops and not planting too much acreage in any one particular commodity. Any plan of Government control of the surplus will fail unless it receives a reasonable amount of cooperation from the farmers themselves. Can we get that cooperation from the farmer? I think so.

I see no reason why the farm board such as would be set up by the McNary-Haugen bill could not secure cooperation with the farmers to an equal degree as the Federal reserve board is able to secure cooperation with the Federal reserve banks and their member banks. Of course, the cooperation which the Federal reserve system receives from its member banks and the cooperation which the member banks in turn receive from the Federal reserve system is very far from being perfect, but I do not want to abolish the Federal reserve system because it does not work perfectly. Because we think it would be impossible to frame a law which would cure all the defects in our present marketing system, is no reason why we should oppose doing anything at all.

There are some people who oppose any legislation to aid the farmer in the control of his surplus by Government help because they say it would be too paternalistic. Now, if the protective tariff is not the essence of paternalistic legislation, then I do not know the meaning of the word "paternalistic." Does the North and East propose to release any of the protection which they enjoy under the paternalistic Fordney-McCumber tariff law? Oh, no; they do not. Entrenched behind a tariff wall as high as any ever enacted by an American Congress and which I voted against, they propose to hold on to all the protection they have and to set up a cry of "Too paternalistic" every time it is proposed to give the farmers of the West and South a degree of protection comparable to that which they enjoy.

So let it be clearly understood that I believe that something can be done by the Government such as is provided in the McNary-Haugen bill to stop the radical and demoralizing fluctuations in the prices of basic farm products, fluctuations

which ranged, for example, from around a low figure of 10 cents a pound for cotton in December of 1926 to a figure around 25 cents in the early part of September, 1927, and then back to 18 cents a pound by December, 1927, a fluctuation of \$75 a bale over a period of less than 12 months. No business in the world can enjoy any degree of stable prosperity under such wide fluctuations of prices. Something must be done to correct it.

I think the operation of the McNary-Haugen bill would do much to correct these evils. The McNary-Haugen bill does not provide any compulsory control of acreage. I would not have supported it if it had done so. Social cooperation must be voluntary if it succeeds. It crumbles under compulsion. And that is especially true of the Anglo-Saxon race. It is in our blood to want to be free.

So the McNary-Haugen bill contains no provisions whatever which would give the Federal farm board established under its provisions any compulsory control over acreage. The farmer would still be free to plant whatever he wants to plant and whenever he wants to plant it. But I do not doubt that the great majority of American farmers would be willing to give the board a sufficient amount of cooperation to make the plan of surplus control a success. Not perfection, of course. Any new law of this importance must necessarily pass through its experimental stages. But a start must be made somewhere if we are ever to solve this great problem of surplus control of farm products. The McNary-Haugen bill would make the start, and for that reason I was glad to give it my support.

Let us develop the resources of our land, call forth its powers. Promote all its great interests to see whether we also in our day and generation may not perform something worth while to be remembered.

Thus spoke Daniel Webster nearly a century ago, and his stirring call to service in this great basic industry should still strike a responsive chord in the heart of every citizen who is interested in the happiness and welfare of the American people.

AGRICULTURAL SURPLUS CONTROL BILL

Mr. BOWMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the McNary-Haugen bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. BOWMAN. Mr. Speaker, the recent consideration of the McNary-Haugen farm relief bill in the United States Senate was responsible for the introduction of two amendments to the bill affecting the fruit growers of the United States. One amendment was introduced by Senator Neely, of West Virginia, and the other one was presented by Senator COPELAND, of New York. These amendments are designated as the Neely and the Copeland amendments.

The Neely amendment sought to relieve the fruit growers from the operation of the equalization fee without destroying the loan and credit features of the bill. The adoption of this amendment would have made available to the fruit growers of the United States every needed facility for storing and marketing their products. Because of the perishable character and nature of fruits, the equalization fee was not favored by the growers; but, for exactly the same reason, the credit and loan provisions of the said bill were most desirable.

The effect of the Copeland amendment, which was adopted in the Senate, is most disastrous to the fruit growers. It eliminates fruits from every provision of the McNary-Haugen bill. In other words, fruit, as a commodity, is an outcast. This amendment denies to the fruit growers of the country the rights and advantages guaranteed to the producers of other agricultural commodities and places their fate in the hands of the commission merchants. It denies credit and loan facilities of the United States Government to the producers of fruit, and reaffirms and reestablishes the present policy of securing loans and credits from commission merchants, who arbitrarily fix a low market price for the producer and a proportionately high price to the consumer. It leaves the fruit grower at the mercy of the commission merchants, and neither the grower nor the public is benefited. This is the aim and objective of the Copeland amendment.

The adoption of the Copeland amendment was most significant. It was a decided victory for the commission merchants and all allied associations and the organizations in the business of buying and selling fruits. It was particularly gratifying to those organizations which have constantly opposed and contended against all cooperative movements to assist and aid the farmers.

In the April 14, 1928, issue of *The New York Packer*, a trade publication devoted to the interest of commercial growers, packers, shippers, and receivers of fruit, vegetables, melons, and so forth, with offices in Kansas City, New York, Cincinnati, Chicago, and Los Angeles, almost a column is devoted to the most gratifying success of the Copeland amendment under the glaring headlines:

Fruits and vegetables eliminated from McNary-Haugen bill. Trade associations have been active in support of the amendment and the pressure of a flood of telegrams pouring into Washington from members of the trade throughout the country was a factor in winning the battle.

This is a bold confession. We can now begin to understand. The adopted amendment is the result of legislative propaganda.

Under a Chicago date line of April 13 the same article continues:

The force of the fruit and vegetable trade organizations was felt in Washington this week when telegrams from members of the various trade associations throughout the country poured into the offices of Senators. The joint council representing members of the Western Fruit Jobbers' Association, International Apple Shippers' Association, and the National League of Commission Merchants has been active in its support of the Copeland amendment, excluding fruits and vegetables from the bill.

William Garfitt, secretary of the Western Fruit Jobbers' Association said yesterday that members of his organization had been flooding Washington with telegrams in support of the Copeland amendment.

Under a Detroit date line of April 13 the following is published as a part of the said article:

The Detroit branch of the National League of Commission Merchants sent the following telegram to United States Senator JAMES COUZENS: "We, the undersigned members of the Detroit National League of Commission Merchants, hereby request that you use your influence and support to the Copeland amendment in final action by the Senate pending, which would exclude fruits and vegetables from the operation of the McNary-Haugen relief bill (3555), as the original bill as drafted would prove very harmful to the entire fruit and vegetable business of the United States."

The article gives another report, under a New York date line of April 13, as follows:

The legislative committee of the New York Mercantile Exchange held a meeting Monday to consider the McNary-Haugen bill, which is attracting the attention of not only the members of the produce trade of the country but also that of the merchants in all other lines of business. President Droste issued a letter later to the trade calling attention to the circular which was issued by W. F. Jensen, president of the Federated Agricultural Trade of America, condemning the measure. Mr. Droste urged immediate action against the measure. He also included a list of the United States Senators and all the Members of the House of Representatives of the State of New York and urged the trade to take up the matter immediately with their Representatives, protesting against the passage of the bill.

The above press dispatches are quoted to show the extent of the propaganda released by various organizations opposed to any system of cooperation and credit for the American farmer. Anyone who is familiar with the character and nature of said organizations and associations will know the truth of my statement. The dispatches also prove that the McNary-Haugen bill as amended in the Senate is most satisfactory to the middleman.

During the discussion and consideration of said bill in the House of Representatives every effort was made to adopt amendments similar to the Copeland amendment. The House rejected these amendments, and the bill was finally passed without any amendments similar to the Neely or Copeland amendments. The House bill still keeps the fruit growers under the provisions of the equalization bill, which is very objectionable to the growers. This objection should be removed in conference.

The Senate and House bills are now in conference, and it is hoped that an amendment removing fruit growers from the equalization fee and at the same time permit them to enjoy the privileges of the credit and loan provisions will result. This is what the fruit growers desire. In doing this the McNary-Haugen bill will, in fact, be a relief measure for the fruit growers of the United States instead of an enabling act to assist the commission men.

CHIPPEWA INDIANS OF MINNESOTA

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 10360) to confer additional jurisdiction upon the Court of Claims under an act entitled "An act authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims," approved May 14, 1926, and agree to the Senate amendments.

The SPEAKER. The gentleman from Montana asks unanimous consent to take from the Speaker's table the bill (H. R. 10360) and agree to the Senate amendments. The Clerk will report the bill and the Senate amendments.

The Clerk read the title of the bill and the Senate amendments.

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

There was no objection.

The Senate amendments were agreed to.

DEPARTMENT OF AGRICULTURE APPROPRIATION BILL

Mr. DICKINSON of Iowa. Mr. Speaker, I call up the conference report on the bill (H. R. 11577) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1929, and for other purposes, and ask unanimous consent that the statement may be read in lieu of the report.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11577) making appropriations for the Department of Agriculture 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 1, 2, 4, 5, 6, 14, 24, 41, 42, 44, 47, 48, 60, 62, 63, 64, 66, 74, 77, 83, 88, and 94.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, 30, 31, 32, 33, 34, 35, 37, 38, 43, 45, 46, 49, 50, 51, 52, 53, 54, 55, 58, 68, 71, 72, 73, 75, 78, 79, 81, 82, 89, 90, 91, 95, 96, 97, and 101, and agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$515,200"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$105,650"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$277,140"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$8,945,135"; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$11,147,895"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$775,000"; and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$245,000"; and the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$210,000"; and the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$8,870,105"; and the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$11,145,105"; and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$52,743, of which sum \$10,000 shall be immediately available"; and the Senate agree to the same.

Amendment numbered 70: That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$1,293,613"; and the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$1,966,658"; and the Senate agree to the same.

Amendment numbered 87: That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$725,000"; and the Senate agree to the same.

Amendment numbered 92: That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$4,228,060"; and the Senate agree to the same.

Amendment numbered 93: That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$5,568,280"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 56, 59, 80, 84, 85, 86, 98, 99, 100, and 102.

L. J. DICKINSON,

E. H. WASON,

JOHN W. SUMMERS,

J. P. BUCHANAN,

JOHN N. SANDLIN,

Managers on the part of the House.

CHAS. L. McNARY,

W. L. JONES,

HENRY W. KEYES,

LEE S. OVERMAN,

WM. J. HARRIS,

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 bill (H. R. 11577) making appropriations for the Department of Agriculture 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 and embodied in the accompanying conference report as to each of such amendments, namely:

OFFICE OF THE SECRETARY

On No. 1: Removes the inhibition inserted by the Senate against the issuance of price forecasts with respect to wheat.

On No. 2: Removes the inhibition inserted by the Senate against ascertaining, collating, or publishing any data or information which it is the duty of another department or bureau to ascertain, collate, or publish.

On No. 3: Inserts a title.

On Nos. 4, 5, and 6: Strikes out the appropriation of \$15,000 inserted by the Senate for the publication of a handbook on fruit and vegetable diseases.

On No. 7: Corrects a title.

On No. 8: Inserts a title.

On No. 9: Inserts a comma.

On No. 10: Inserts a total.

On No. 11: Inserts the word "for" instead of the word "or."

On Nos. 12 and 13: Corrects a title.

On No. 14: Corrects a total.

WEATHER BUREAU

On No. 15: Provides \$7,000 for expenses and improvement of a meteorological station at Greensboro, N. C.

On No. 16: Provides an additional \$48,500 to complete program of maintenance of 13 stations for supplying weather information to Air Service of the Army.

On Nos. 17 and 18: Corrects a total and adjusts the amount available for personal services in the District of Columbia.

BUREAU OF ANIMAL INDUSTRY

On No. 19: Provides an additional \$2,300 for increases in salaries of veterinarians.

On No. 20: Strikes out the words "not to exceed" in connection with an amount reappropriated to conform to certain requirements of the Comptroller General.

On No. 21: Provides an additional \$8,400 for increases in salaries of veterinarians.

On No. 22: Strike out the words "not to exceed" in connection with an amount reappropriated, to conform to certain requirements of the Comptroller General.

On No. 23: Corrects the amount of an allocation for administrative and operating expenses.

On No. 24: Strikes out the provision inserted by the Senate forbidding the payment of indemnities for the destruction of tuberculous cattle if the indemnity value is fixed by any arbitrary maximum.

On No. 25: Provides an additional \$1,200 for increases in salaries of veterinarians.

On No. 26: Strikes out the words "not to exceed" in connection with an amount reappropriated, to conform to certain requirements of the Comptroller General.

On No. 27: Provides \$5,000, as appropriated by the Senate, for increased facilities for a poultry experiment station at Glendale, Ariz.; and strikes out \$10,000 which had been appropriated by the Senate for nutrition researches.

On No. 28: Corrects the amount allocated for experiments in poultry feeding and breeding.

On No. 29: Provides \$20,000 for scientific investigations relative to the outbreak of the disease known as anaplasmosis; strikes out \$10,000 provided by the Senate for cattle-grub investigations; strikes out \$10,000 provided by the Senate for research work concerning the disease of contagious abortion of animals; and strikes out \$50,000 provided by the Senate for poultry investigations.

On No. 30: Strikes out the words "not to exceed" in connection with an amount reappropriated, to conform to certain requirements of the Comptroller General.

On No. 31: Provides an additional \$1,600 for increases in salaries of veterinarians.

On No. 32: Strikes out the words "not to exceed" in connection with an amount reappropriated, to conform to certain requirements of the Comptroller General.

On No. 33: Corrects the amount to be allocated for expenditure in regulating the preparation, sale, shipment, etc., of hog cholera serum.

On Nos. 34 and 35: Strikes out the words "not to exceed" in connection with amounts reappropriated, to conform to certain requirements of the Comptroller General.

On No. 36: Corrects a total.

On No. 37: Provides an additional \$26,260 for increases in salaries of veterinarians.

On No. 38: Strikes out the words "not to exceed" in connection with an amount reappropriated, to conform to certain requirements of the Comptroller General.

On Nos. 39 and 40: Corrects a total and the amount allocated for salaries in the District of Columbia.

BUREAU OF DAIRY INDUSTRY

On Nos. 41 and 42: Strikes out the additional \$13,000 appropriated by the Senate for dairy industry investigations.

On No. 43: Inserts a title.

On No. 44: Corrects a total.

BUREAU OF PLANT INDUSTRY

On No. 45: Provides an additional \$10,000 for the study of the phony disease of peach trees.

On No. 46: Provides an additional \$5,000 for citrus canker eradication in cooperation with the State of Florida.

On Nos. 47 and 48: Strikes out \$44,200 appropriated by the Senate; \$25,000 for rubber research, and \$19,200 for varietal studies of cotton.

On No. 49: Restores the House cut of \$4,000, to administer the coloring provision of the Federal seed act and enforce the provision against interstate shipment of misbranded seeds.

On No. 50: Provides \$5,000 for investigations concerning wheat smut.

On Nos. 51 and 52: Strikes out the words "not to exceed" in connection with amounts reappropriated, to conform to certain requirements of the Comptroller General.

On No. 53: Provides \$2,500 for the study of diseases of the wild blueberry in Florida.

On Nos. 54 and 55: Provide \$10,000 for field station at Umatilla, Oreg., under "Dry-land agriculture."

On No. 57: Provides \$5,000 additional for apple washing to remove effects of arsenical spray, and strikes out the amount of \$15,000 appropriated by the Senate for additional studies relative to the precooling of fruits before shipment.

On No. 58: Restores the House cut of \$22,500 under the appropriation for forage crops.

FOREST SERVICE

On No. 60: Strikes out the Senate increase of \$14,425 under "Range investigations" for an experiment station in the Arizona and New Mexico region.

On No. 61: Increases the appropriation for "Planting national forests" in the sum of \$10,000, instead of \$20,000 as proposed by the Senate, to increase the capacity of the nursery at Monument, Colo.

On No. 62: Strikes out \$20,000 provided by the Senate for silvical and other experiments at the Lake States Experiment Station.

On Nos. 63 and 64: Strikes out \$30,000 provided by the Senate as an additional amount for the construction and maintenance of roads, trails, etc., in the national forests.

On No. 65: Corrects a total.

On No. 66: Strikes out the provision inserted by the Senate allocating \$10,000 of the appropriations for the Forest Service for acquisition of additional lands for forest-tree nurseries.

On No. 67: Corrects a total.

BUREAU OF CHEMISTRY AND SOILS

On No. 68: Restores the House cut of \$13,000 under the appropriation for "Agricultural chemistry," for investigations relative to spoilage of canned goods, metallic poisons, etc.

On No. 69: Provides an increase of \$10,000, instead of an increase of \$15,000 as contained in the Senate amendment, for prevention of farm fires, etc.

On No. 70: Corrects a total.

BUREAU OF ENTOMOLOGY

On No. 71: Provides an additional \$5,000 for investigations relative to substitutes for arsenical sprays.

On No. 72: Restores the House cut of \$4,410 for investigations of the European earwig.

On No. 73: Provides an additional \$5,000 under "Insects affecting cereal and forage crops," for investigation of the feasibility of shipment of alfalfa meal the entire year.

On No. 74: Strikes out the Senate increase of \$15,000 for investigations relative to the cattle grub.

On No. 75: Strikes out the words "not to exceed" in connection with an amount reappropriated, to conform to certain requirements of the Comptroller General.

On Nos. 76 and 77: Corrects a total and the amount allocated for salaries in the District of Columbia.

BUREAU OF BIOLOGICAL SURVEY

On No. 78: Restores the House cut of \$1,480 for a new clerk in the Washington office.

On No. 79: Provides \$30,000, as appropriated by the Senate, for construction of a dam at Cold Springs Creek, on the Montana National Bison Range.

On No. 81: Strikes out the words "not to exceed" in connection with an amount reappropriated, to conform to certain requirements of the Comptroller General.

On No. 82: Retains the Senate increase of \$5,000 for elk and buffalo investigations.

On No. 83: Strikes out \$12,000 provided by the Senate for investigations relative to the woodcock.

BUREAU OF AGRICULTURAL ECONOMICS

On Nos. 87 and 88: Retains the Senate increase of \$10,000 for investigations relative to the uses of cotton, and strikes out the Senate increase of \$50,000 for grading and marking of meats.

On No. 89: Insert the word "stocks" in lieu of the word "stock."

On Nos. 90 and 91: Provides \$10,000 for Shanghai office.

On Nos. 92, 93, and 94: Corrects the totals and the amount allocated for salaries in the District of Columbia.

PASSENGER-CARRYING VEHICLES

On No. 95: Authorizes \$175,000 as provided by the Senate, instead of \$165,000 as proposed by the House, for purchase, maintenance, etc., of passenger-carrying vehicles.

FOREST ROADS AND TRAILS

On Nos. 96 and 97: Appropriates \$7,500,000 as provided by the Senate, instead of \$6,500,000 as proposed by the House, for construction of forest roads and trails.

EIGHTH INTERNATIONAL DAIRY CONGRESS

On No. 101: Provides \$10,000, as proposed by the Senate, for expenses in connection with the Eighth International Dairy Congress.

The committee of conference have not agreed to the following Senate amendments:

On Nos. 56 and 59: Providing \$100,000, as appropriated by the Senate, for a horticultural experiment station at Cheyenne, Wyo.

On Nos. 80, 84, 85, and 86: Providing \$54,500 for work relative to predatory animals and rodents, \$7,500 for investigations concerning fur-bearing animals, and correcting the totals and the amount allocated for salaries in the District of Columbia as they may be affected by action on the two amounts contained in the Senate amendment.

On No. 98: Striking out the word "may" and inserting in lieu thereof the word "shall," making it mandatory instead of discretionary for the Secretary of Agriculture to incur obligations in the full sum of \$7,500,000 authorized to be appropriated for the fiscal year ending June 30, 1929.

On Nos. 99 and 100: Appropriating for restoration of roads destroyed by the floods of 1927 as follows: \$2,654,000 in Vermont, \$653,300 in New Hampshire, and \$1,889,994 in Kentucky.

On No. 102: The total of the bill, which will be affected by action taken on the other amendments in disagreement.

L. J. DICKINSON,
E. H. WASON,
JOHN W. SUMMERS,
J. P. BUCHANAN,
JOHN N. SANDLIN,

Managers on the part of the House.

Mr. DICKINSON of Iowa. Mr. Speaker, I move that the conference report be agreed to.

The conference report was agreed to.

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Amendment No. 56: Page 33 of the bill, line 16, insert:

"Horticultural experiment station, Cheyenne, Wyo.: To enable the Secretary of Agriculture to carry into effect the provisions of the act entitled 'An act providing for horticultural experiment and demonstration work in the semiarid or dry-land regions of the United States,' approved March 19, 1928, including the erection of buildings and fences, the construction of irrigation facilities, the employment of persons, and for other necessary expenses, to be immediately available, \$100,000."

Mr. DICKINSON of Iowa. Mr. Speaker, I move to recede and concur with an amendment which I send to the Clerk's desk.

The SPEAKER. The gentleman from Iowa moves to recede and concur with an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment No. 56: Moved by Mr. DICKINSON of Iowa: That the House recede from its disagreement to the amendment of the Senate No. 56, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following: "Horticultural experiment station, Cheyenne, Wyo.: To enable the Secretary of Agriculture to carry into effect the provisions of the act entitled 'An act providing for horticultural experiment and demonstration work in the semiarid or dry-land regions of the United States,' approved March 19, 1928, including the erection of buildings and fences, the construction of irrigation facilities, the employment of persons, and for other necessary expenses, to be immediately available, \$100,000: Provided, That the limitations in this act as to the cost of buildings shall not apply to this paragraph."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 59: Page 36, line 11, strike out "\$4,216,436" and insert "\$4,439,636."

Mr. DICKINSON of Iowa. Mr. Speaker, I move that the House recede and concur with an amendment.

The SPEAKER. The gentleman from Iowa moves to recede and concur with an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment No. 59: Moved by Mr. DICKINSON of Iowa: That the House recede from its disagreement to the amendment of the Senate No. 59, and agree to the same with amendment, as follows: In lieu of the sum inserted by said amendment, insert "\$4,380,436."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 80: Page 53 of the bill, line 6, strike out "\$595,500" and insert "\$657,500."

Mr. DICKINSON of Iowa. Mr. Speaker, I move to recede and concur with an amendment which I send to the desk.

The SPEAKER. The gentleman from Iowa moves to recede and concur with an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment No. 80: Moved by Mr. DICKINSON of Iowa: That the House recede from its disagreement to the amendment of the Senate No. 80, and agree to the same with an amendment, as follows: In lieu of the sum inserted by said amendment insert "\$650,000."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Page 54, line 11, strike out "\$1,034,520" and insert "\$1,145,000."

Mr. DICKINSON of Iowa. Mr. Speaker, I move to recede and concur with an amendment.

The Clerk read as follows:

Moved by Mr. DICKINSON of Iowa: That the House recede from its disagreement to the amendment of the Senate No. 84, and agree to the same with an amendment, as follows: In lieu of the sum inserted by said amendment insert the following: "\$1,125,500: *Provided*, That the Secretary of Agriculture shall investigate and report to the next regular session of Congress as to the feasibility of a five-year cooperative program, or a program extending over such term of years as to him shall seem most advisable for the purposes in view, for the eradication, suppression, or bringing under control of predatory animals within the United States, and the estimated cost thereof as compared to the present method."

The SPEAKER. The question is on the motion of the gentleman from Iowa.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 85: Page 55, line 7, strike out "\$1,074,520" and insert "\$1,185,000."

Mr. DICKINSON of Iowa. Mr. Speaker, I move to recede and concur with the following amendment.

The Clerk read as follows:

Mr. DICKINSON of Iowa moves that the House recede from its disagreement to the amendment of the Senate No. 85, and agree to the same with an amendment, as follows: In lieu of the sum inserted by said amendment insert "\$1,165,000."

The SPEAKER. The question is on the motion of the gentleman from Iowa.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment 86: Page 55, line 8, strike out the figures "\$209,520" and insert "\$217,000."

Mr. DICKINSON of Iowa. Mr. Speaker, I move to recede and concur with an amendment.

The Clerk read as follows:

Moved by Mr. DICKINSON of Iowa: That the House recede from its disagreement to the amendment of the Senate No. 86, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "\$211,000."

The SPEAKER. The question is on the motion of the gentleman from Iowa.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment 98: Page 80, line 3, strike out the word "may" and insert the word "shall."

Mr. SNELL. Mr. Speaker, I would like to ask the gentleman from Iowa about these increases in amendments 96, 97, and 98, what they are and what they do?

Mr. DICKINSON of Iowa. That is an additional \$1,000,000 for roads and trails. The authorization in the law was for \$7,500,000. In the last bill the committee cut that down to \$6,500,000. It does not correspond with the authorization under the law with the result that they absorbed their balance, and at the end of this year they need the whole authorization. While the Budget was only for \$6,500,000 the House allowed the Budget estimate, and the Senate allowed the authorization of \$7,500,000.

Mr. SNELL. That is all there is to it?

Mr. DICKINSON of Iowa. Yes.

Mr. SHREVE. Is this authorization continued from year to year?

Mr. DICKINSON of Iowa. It is. Mr. Speaker, I move to recede and concur in amendment No. 98.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment 99: Page 81, after line 16, insert the following:

"FLOOD RELIEF, VERMONT AND NEW HAMPSHIRE

"For the relief of the State of Vermont, \$2,654,000, and for the relief of the State of New Hampshire, \$653,300, in the matter of roads and bridges damaged or destroyed by the flood of 1927: *Provided*, That any sums appropriated under this authorization shall be expended in accordance with the provisions of the Federal highway act, except that the provision limiting Federal payments to not exceed \$15,000 per mile shall not apply and the provision restricting the expenditure of Federal funds upon roads on the system of Federal-aid highways shall not apply to the extent that such expenditure is hereby authorized on roads and bridges not on but which are extensions of said system within municipalities having a population of 2,500 or more, as shown by the last available census."

Mr. DICKINSON of Iowa. Mr. Speaker, I move to recede and concur with an amendment.

The Clerk read as follows:

Mr. DICKINSON of Iowa moves that the House recede from its disagreement to the amendment of the Senate No. 99, and agree to the same with an amendment as follows:

"FLOOD RELIEF, VERMONT, NEW HAMPSHIRE, AND KENTUCKY

"For the relief of the following States as a contribution in aid from the United States, induced by the extraordinary conditions of necessity and emergency resulting from the unusually serious financial loss to such States through the damage to or destruction of roads and bridges by the floods of 1927, imposing a public charge against the property of said States beyond their reasonable capacity to bear, and without acknowledgment of any liability on the part of the United States in connection with the restoration of such local improvements, namely: Vermont, \$2,654,000; New Hampshire, \$653,300; Kentucky, \$1,889,934; in all, \$5,197,294, to be immediately available and to remain available until expended: *Provided*, That the sums hereby appropriated shall be expended by the State highway departments of the respective States, with the approval of the Secretary of Agriculture, for the restoration, including relocation, of roads and bridges so damaged or destroyed, in such manner as to give the largest measure of permanent relief, under rules and regulations to be prescribed by the Secretary of Agriculture: *Provided further*, That the amount herein appropriated for each State shall be available when such State shall have or make available a like sum from State funds for the purposes contained herein."

Mr. DICKINSON of Iowa. Mr. Speaker, I think the House ought to have an explanation of this amendment. Because of the damage by floods in Vermont, New Hampshire, and also in the State of Kentucky, two amendments were added on the floor of the Senate, the first one, No. 99, being based on a Budget estimate. No. 100 was not based on a Budget estimate, but a Budget estimate has later been sent to the House covering it. The amendments of the Senate provided originally for the damage on primary roads, so far as Vermont and New Hampshire were concerned. Our committee thought that under no circumstances should the Government of the United States ever assume any obligations for either the rebuilding or the repairing of a primary-road system on which Federal funds had been used for building, the reason for that being that if we ever became committed to the policy of repairing primary roads there would be a continuous demand on the Congress every time any primary roads were destroyed to appropriate out of the Federal Treasury for their repair and rebuilding.

The result was that after going over these items very carefully we cut out all reference to primary roads. We do not want to assume any obligations for their repair. We have included Kentucky in the amendment which we have offered to the Senate amendment, and if this amendment be agreed to I shall move to further insist upon the disagreement to the Kentucky amendment, because Kentucky is cared for in the amendment that I have offered as amendment to No. 99. We have made these appropriations entirely a gratuity, based on the emergency, the emergency being that these people suffered a loss that is very extreme, and that the demand on them now is beyond the taxing ability of these various localities to bear. We have gotten away from the responsibility of the Government so far as the repair or rebuilding of the primary roads are concerned. We do not limit the use of the appropriation to primary roads, but make it applicable to roads and bridges, because in the State of Kentucky, as I understand it, a great many of their roads that were destroyed and a great many of their bridges that were destroyed were not on the primary system, but were on the school-road system or the rural routes.

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

Mr. DICKINSON of Iowa. Yes.

Mr. WARREN. Do I understand the gentleman to say that in case of a great disaster to the Federal-aid roads in the Nation, Congress ought not to be committed to replacing those roads?

Mr. DICKINSON of Iowa. Absolutely ought not to be.

Mr. WARREN. I might inform the gentleman that a bill has been pending during this entire session having that in view, which has the indorsement of the department and the indorsement of 36 highway commissions in the country.

Mr. LAGUARDIA. It naturally would.

Mr. DICKINSON of Iowa. Committing Congress to the rebuilding of roads when they are destroyed?

Mr. WARREN. By some great disaster, such as floods.

Mr. DICKINSON of Iowa. That is a matter entirely for the legislative committee. I do not want to approve it in this way.

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

Mr. DICKINSON of Iowa. Yes.

Mr. LAGUARDIA. While it is true that the gentleman has avoided assuming responsibility, nevertheless these amendments establish the precedent of a gratuity under similar circumstances.

Mr. DICKINSON of Iowa. That is absolutely true.

Mr. LAGUARDIA. And unfortunately.

Mr. DICKINSON of Iowa. That is the danger of this amendment. I regret that these amendments were put on an appropriation bill, but they are here, and we have to deal with them. This is an emergency, and the people think they ought to have relief. There is no place where they can go other than to the Federal Treasury to obtain that aid. We have handled the matter in what we think is the safest, sanest way, without fixing a policy that will plague us hereafter.

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

Mr. DICKINSON of Iowa. Yes.

Mr. SNELL. I think the wording of the amendment proposed by the gentleman is a very great improvement over the Senate amendment. I am glad the gentleman has put it as a straight, square contribution, on account of a great disaster, and then there can be no precedent except under exactly same conditions. I am opposed to the practice of adding these large matters to appropriation bills. The custom has grown up of late that every time some one has something before a committee, or which has been reported out from a committee but which has not been passed, he runs over and gets it attached to an appropriation bill in the Senate. That is absolutely unfair and against the principles of our legislative policy. I do not think the House ought to continually stand for it. I appreciate that this is a serious proposition confronting these people at this time. I shall not oppose this amendment, but as a general policy we ought to insist that these appropriations not come to the House in this way. I know the gentleman agrees with me in that policy.

Mr. DICKINSON of Iowa. I absolutely agree with the gentleman.

Mr. ALMON. Will the gentleman yield?

Mr. DICKINSON of Iowa. Yes.

Mr. ALMON. The Committee on Roads gave very careful consideration and hearings to the Kentucky and Vermont cases and reported bills favorably by a unanimous vote. Under those bills the money of the Federal Government was to be expended under the directions of the Director of Public Roads.

Mr. DICKINSON of Iowa. That is the case in this amendment, under rules and regulations to be prescribed by the Secretary of Agriculture. But we have gone further than that. We have required that the States shall also match dollar for dollar out of the State funds, not township or county funds, every dollar that we are appropriating here, so that they will have a constructive road-building policy out of these funds rather than patchwork which might occur if we permitted them to use county or township funds.

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

Mr. DICKINSON of Iowa. Yes.

Mr. RAMSEYER. How did the committee arrive at these sums to be contributed to these three different States?

Mr. DICKINSON of Iowa. They are set forth in the Budget estimates. It is my understanding that the Budget estimates are based on reports of the State engineers, approved by the Bureau of Roads in the Department of Agriculture, as to what the damages were.

Mr. RAMSEYER. Did the Budget Bureau approve all three of these items?

Mr. DICKINSON of Iowa. Yes; it approved all three of them.

Mr. RAMSEYER. And figured it out to the dollar what each State shall get?

Mr. DICKINSON of Iowa. I do not say the Budget Bureau figured it out to the dollar; but I do say that the road departments in the various States made estimates of these damages and certified them to the Department of Agriculture.

Mr. RAMSEYER. Does the amount given to each State represent one-half of the damage they have sustained? How did you arrive at the amount?

Mr. DICKINSON of Iowa. I will yield to the gentleman from Kentucky to speak with respect to that State.

Mr. ROBSION of Kentucky. The State of Vermont, I understand, figured the damage out at something over \$7,000,000.

Mr. RAMSEYER. Who figured that out?

Mr. ROBSION of Kentucky. I understand the bureau of roads of Vermont and the Bureau of Roads in the Department of Agriculture. Their claim here is limited to \$2,654,000. And that is the ratio in the State of New Hampshire. In Kentucky the Federal Bureau of Roads and the State highway commission took the matter up, and Mr. MacDonald, Director of the Bureau of Roads, says the loss there is about 30 per cent of the entire loss. The amount claimed in the Vermont bill and in the Kentucky bill is figured at about 30 per cent of the actual loss to bridges and roads.

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

Mr. ROBSION of Kentucky. Yes.

Mr. CHAPMAN. Is it not true that the Kentucky Legislature has already authorized an equal amount to that provided in the amendment?

Mr. ROBSION of Kentucky. Yes.

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

Mr. DICKINSON of Iowa. Yes.

Mr. DOWELL. There were extensive hearings held on these propositions before the Committee on Roads. All of these facts were brought before the legislative committee, and it received the approval of the committee. It is much less than the actual damages, as the evidence before the committee shows.

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

Mr. DICKINSON of Iowa. Yes.

Mr. SNELL. What changed the mind of the Bureau of Roads as to the last two propositions, if I may ask? Originally they were not fit for it.

Mr. DOWELL. I do not know what changed the mind of the Bureau of Roads as to the last two propositions.

I want to say that the gentleman from New York [Mr. SNELL] has expressed my views also on the method of making these appropriations. But in this instance there has been a thorough investigation by the House committee, and the facts have been presented in the regular way.

Mr. ROBSION of Kentucky. Mr. Chairman, will the gentleman yield further?

Mr. DICKINSON of Iowa. Yes.

Mr. ROBSION of Kentucky. This consideration, ladies and gentlemen of the House, enters into this matter: Great territories in Vermont and New Hampshire and Kentucky were devastated. Their roads and bridges have been destroyed. The people are hopeless and helpless, and if they are ever going to receive this relief they need it now, and they must have it now. They are not responsible for the items being put on in the Senate. We would have been very glad to have had them considered here. But the Committee on Roads considered the matter carefully, and it was the unanimous report of the members of the committee that these claims were all right.

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

Mr. DICKINSON of Iowa. Yes; I yield to the gentleman from New Hampshire.

Mr. HALE. So far as New Hampshire is concerned, Mr. Speaker, the total damage, as estimated by the Federal Bureau of Public Roads, was \$2,710,000. The amount of money given in this appropriation to New Hampshire is \$653,300, or about 25 per cent of our total damage on our road system. That amount is fixed by the Federal Department of Public Roads as the amount of damage accruing solely and strictly on the Federal highway system. It does not take into account the damage on other roads, and it takes no account of the damage done to life and property elsewhere throughout the State.

Mr. DICKINSON of Iowa. Mr. Speaker, I yield to the gentleman from Vermont.

Mr. GIBSON. Mr. Speaker, the gentleman from Iowa [Mr. RAMSEYER] inquired as to how the amounts carried in the amendment were arrived at. The amount, so far as Vermont is concerned, was arrived at through a survey made by the engineers of the Public Roads Bureau of the Department of Agriculture. This survey showed a total road and bridge damage of \$7,377,469, or a damage of \$21 plus for every man, woman, and child in the State.

Now, the Vermont item carried in this amendment represents just the damage to the Federal-aided roads as determined by this survey, \$2,654,000.

Mr. DICKINSON of Iowa. I yield to the gentleman from Kentucky [Mr. ROBSION].

Mr. ROBSION of Kentucky. Mr. Speaker, for the information of the House this great cloudburst in the mountains of Kentucky occurred just at the time of the Mississippi flood, and the papers did not carry much about it, but the fact is that 99 lives were lost and \$57,000,000 worth of property was destroyed, not counting much personal property. Four hundred and one bridges were swept away and 2,500 miles of highways destroyed or greatly damaged. That gives you some idea of the damage and havoc wrought.

Mr. THATCHER. Is it not a fact that all of these affected counties have already been bonded to the constitutional limit, their money expended on roads that have been swept away, and that they are utterly helpless to raise any more funds?

Mr. ROBSION of Kentucky. That is true. Let me give you one sentence from Mr. MacDonald's (Director Federal Bureau of Roads) report on this matter:

The greatest and most serious of public and private losses were in the mountain counties. Most of these counties have a low assessed valuation, and those for which we have reports show a decrease of assessed valuation. These counties had issued bonds up to the legal limit of indebtedness to build roads and bridges; the storm came; the roads and bridges are gone, the debts remain, and the people are hopeless and helpless.

This is from Mr. MacDonald's report.

Mr. KETCHAM. Will the gentleman from Iowa permit me to ask a question of the gentleman from Vermont?

Mr. DICKINSON of Iowa. Yes.

Mr. KETCHAM. Will the gentleman from Vermont please tell the House what the total damage to property of other kinds than that represented in roads was in the State of Vermont?

Mr. GIBSON. The total direct property loss in the State of Vermont, as shown by this survey, was \$30,435,000, an amount equal to one-tenth of the value of all property assessed for taxation in the State.

Mr. VINSON of Kentucky. And if the gentleman will permit, in that connection the property loss in Kentucky aggregated \$56,000,000.

Mr. ROBSION of Kentucky. Fifty-seven million dollars.

Mr. GIBSON. I will say to the gentleman from Michigan that I did not take into consideration the indirect losses or business losses, which are estimated at about \$100,000,000.

Mr. DICKINSON of Iowa. Mr. Speaker, I yield to the gentleman from Kentucky [Mrs. Langley].

Mrs. LANGLEY. Mr. Speaker and colleagues, I want to bring this point to you. While I am a devout believer in and simple follower of the faith and precept that we owe our first allegiance to the constituency that sent us here, and of necessity must conceive it our highest duty to serve their best interests first, yet there is another duty of equal importance—to deal with all problems as if they were our very own. That, to my mind, is the corner stone of representative government. I trust that in dealing with the terrific devastation to post roads and bridges wrought in Kentucky by the May cloudburst of last year, with the grave havoc and death toll which followed in its wake, you, my colleagues, will feel that for the time being the mountains of Kentucky belong to you.

To-day we are confronted with the tragic aftermath of this flood, and in the interest of and love for Kentucky may I not briefly sketch for you a picture of the situation which we find ourselves facing?

To go back to the early pioneer history of eastern Kentucky more than a hundred and forty years ago, the Virginians trekked across the Cumberlands and settled in the valleys along the Big and Little Sandy River and North Fork of the Kentucky. There they built their simple homes and although cut off from the outside world, because of the inaccessibility, lived a God-fearing and law-abiding people, in whose veins flows the purest Anglo-Saxon blood in all the world.

Suddenly, without warning, on the 29th of last May in the middle of the night, following two days of heavy rain, the creeks and rivers began to rise, and by midnight the tide of the Kentucky River was 75 feet high and came rushing down the valley carrying in its wake railroad tracks, bridges, fences, telephone and telegraph wires, houses, débris of all kinds, the most tragic shock being the toll of human lives—60 in four of my counties.

With never a murmur nor complaint, but with calm dignity and brave fortitude, as everlasting as life itself, our people in the stricken area began to carry on; and with the cooperation of thousands of sufferers, each aiding the other, we have gradually returned somewhat to normalcy. I want to mention here the magnificent work done by the American Red Cross and the unparalleled service rendered by the public health department

of our State under the personal supervision of Dr. A. T. McCormack and his able assistants. Never in the history of any disaster, I venture to say, has there been given such splendid aid to a stricken community.

But there is one problem in which we must have aid if we are again to go forward in the onward march of civilization. I refer to the rebuilding of post roads and bridges.

I do not lose sight of the fact that under our Federal Constitution there are certain limitations beyond which Congress can not go and beyond which the burden must inevitably fall upon the locality. But with the present heavy bonded indebtedness of our counties we can not meet the damage to our post roads and bridges, and if aid is not given us we are put back at least 50 years. The very lifeblood is taken from us with our means of transportation and intercommunication crippled.

Not only is this a national problem from the standpoint of justice but it is the only practicable way it can be effectively and promptly handled.

You will recall that there was practically no publicity for our mountain flood last year outside of Kentucky, due to the overwhelming newspaper space demanded by the Mississippi flood. The visit of Secretary Hoover, accompanied by Mr. Fieser, of the American Red Cross, attracted quite a good deal of attention to it, however.

While I realize that it is unprecedented for the Federal Congress to build roads and bridges following any kind of a devastation, I feel that this grave national disaster justifies the passage of this amendment.

My people's confidence in the existing governmental instrumentality for handling this matter is not diminished, and I hope it will never be. The stricken counties have reached the end of their tether; they are staggering under a bonded indebtedness. To attempt to make them contribute would not only add a grievous burden to the people already sadly impoverished, but would cripple and render ineffective the progress already made earnestly, hopefully, staunchly, and prayerfully by the beloved and true people of the mountains.

The kind of spirit which has developed this land will carry it on, but if the Federal Government refuses to help them they will feel that the richest nation on earth is unwilling to help her own people, the Government for whom many of them have fought, bled, and died, and they will say: "This is our compensation. When our country needs help, we are eager to go forward and proffer it valiantly, but when we need help they refuse it. We not only gave of our wealth, our time, but of our lives, and our children and our children's children. Does not this fact alone warrant our being assisted when this need is imminent?"

The passage of this token of love given to her stricken children will be a sublime message of devotion and will inspire the hearts of all America with the realization that when grave disaster comes upon us America helps America's own. [Applause.]

Deep in every loyal heart there burns a tiny flame,
That glows with added brilliance at the mention of a name;
Its tiny beams make light the path of weary feet that roam
And brightens up the winding lane that leads to home, sweet home.

To live lives we leave behind us is not to die.

I earnestly plead, in behalf of Kentucky, Vermont, and New Hampshire, for the adoption of this amendment. [Applause.]

Mr. HASTINGS. Will the gentleman yield to me?

Mr. DICKINSON of Iowa. Yes.

Mr. HASTINGS. Mr. Chairman, I only want to detain the House a moment. I am not against this amendment. I have no doubt but what there is a very great emergency in Vermont, New Hampshire, and Kentucky; and I have no doubt but what this amendment was thoroughly justified before the Senate Committee and before the conferees. I rise to congratulate the Representatives of Vermont, New Hampshire, and Kentucky upon their good fortune and upon their very great diligence both in the House and over in the Senate in securing favorable action upon this amendment and getting these appropriations to repair their roads.

I want to take occasion now, my fellow members, to say that while emergencies existed in these three States, we must not forget that emergencies in varying degrees existed in a number of other States of the Union and that instead of appropriations for caring for emergencies in three States there ought to have been a comprehensive bill reported to the House to take care of all emergencies in all the States because of the disastrous floods of 1927.

I had a similar bill for Oklahoma, H. R. 10800, providing a much smaller amount—to be exact, \$230,000. I had an itemized statement that was prepared by the State Highway Engineer of Oklahoma showing in detail the exact damage done on every

road in Oklahoma, which thoroughly justified, in my judgment, favorable action upon the bill which I had introduced to take care of the emergency in my State.

Mr. MACGREGOR. Will the gentleman yield?

Mr. HASTINGS. In a moment. I made every effort I possibly could to secure a hearing before the Committee on Roads. Unfortunately, along about this time the chairman was ill, and I am therefore not complaining about it, but anyway, we did not get a hearing; we did not get favorable action, and the bill was not favorably reported out. I am not complaining particularly about that, but I do say that there were emergencies in other surrounding States like Arkansas and Missouri, as well as Oklahoma and some of the other States, and what we should have done and what we should have up now for consideration is a comprehensive bill that would take care of all emergencies where there was road and bridge damage as a result of the disastrous floods of 1927.

I did not want to permit this opportunity to pass without expressing my disappointment, I might say, not that these emergencies are cared for, because I am not complaining about that, but because all emergencies were not taken care of in a comprehensive bill.

Mr. MACGREGOR. Will the gentleman yield?

Mr. HASTINGS. I now yield to the gentleman.

Mr. MACGREGOR. The gentleman does not admit, of course, that the great State of Oklahoma, with its millions of wealth, could not pay for this small item of expense in the State of Oklahoma. Kentucky and Vermont are entirely different. There a great load was on a people who could not stand it. Down in Kentucky the people could not afford to build any more roads because all of their wealth had been exhausted.

Mr. HASTINGS. Oh, if the gentleman would permit the Representatives to come in here now and over in the Senate and picture the distress and the poverty of their respective districts we would be shedding tears all over the House, and of course they would justify appropriations for these States; but I venture the assertion that if you went back to the great State of Kentucky or the imperial Commonwealths of Vermont or New Hampshire and then pictured the poverty of those great States, their splendid citizenship would resent it and they would all boast that their respective States are the greatest and the most prosperous States in all this Union. This appeal made here is for an appropriation from the Federal Treasury and has proved successful.

Mr. MACGREGOR. Oklahoma has some of the richest people in the world in it.

Mr. HASTINGS. We admit it. We have a great, resourceful State with a citizenship unexcelled. That argument is beside the question. What I am trying to point out, all similar emergencies should have been cared for and not just the three States of Vermont, New Hampshire, and Kentucky.

Mr. DICKINSON of Iowa. Mr. Speaker, I yield to the gentleman from North Carolina [Mr. WARREN].

Mr. WARREN. Mr. Speaker, I do not wish to delay any further the consideration of this measure, because I know the temper of the House. I know the House is in favor of the proposition.

I was a member of the committee that heard these measures, and they were given careful consideration and attention. I disagree with the gentleman from Iowa [Mr. DICKINSON] in his assumption that the Committee on Roads reported this on the ground of a gratuity.

Mr. DICKINSON of Iowa. I did not make that statement at all. We are reporting it now on the ground of a gratuity.

Mr. VINSON of Kentucky. If the gentleman will permit, so far as Kentucky is concerned I will say that our bill at all times has been bottomed upon the idea that it is a gratuity following a great national catastrophe which the local communities were unable to wholly care for.

Mr. DICKINSON of Iowa. And I may say that the matter would not be here now being discussed on the floor if we had not accepted it as a gratuity.

Mr. VINSON of Kentucky. Mr. Speaker, the conference report accompanying H. R. 11577 (agriculture appropriation bill) contains the information that the committee of conference had not agreed to amendments 99 and 100 therein. The first amendment appropriated moneys for the relief of Vermont and New Hampshire in the restoration of certain portions of her road system damaged and destroyed by the floods of 1927. Amendment 100 relates to appropriation for Kentucky in the sum of \$1,889,994 for the same purpose.

In virtue of the rules governing this body neither of these amendments could be agreed to in conference, but it is necessary to have the amendments submitted to the House for their action. This parliamentary condition obtains for the good reason that items added to an appropriation bill in the Senate which has

not authority of law, to which a point of order in the House could have been successfully maintained, if the amendment had originated therein, must be reported back to the House and acted upon by it. This procedure has been followed and subsequent to the reading of the amendments in question, the gentleman from Iowa [Mr. DICKINSON] moves that the House re-cede and concur in the Senate amendment with the following amendment:

For the relief of the following States as a contribution in aid from the United States, induced by the extraordinary conditions of necessity and emergency resulting from the unusually serious financial loss to such States through the damage to or destruction of roads and bridges by the floods of 1927, imposing a public charge against the property of said States far beyond its reasonable capacity to bear, and without acknowledgment of any liability on the part of the United States in connection with the restoration of such local improvements, namely: Vermont, \$2,654,000; New Hampshire, \$653,300; Kentucky, \$1,889,994; in all, \$5,197,294, to be immediately available and to remain available until expended: *Provided*, That the sums hereby appropriated shall be expended by the State highway departments of the respective States, with the approval of the Secretary of Agriculture, for the restoration, including relocation, of roads and bridges so damaged or destroyed in such manner as to give the largest measure of permanent relief, under rules and regulations to be prescribed by the Secretary of Agriculture: *Provided further*, That the amount herein appropriated for each State shall be available when such State shall have or make available a like sum from State funds for the purposes contained herein.

In order that there may be a logical statement of the facts preceding this action of the House, I take the trouble to record chronologically the steps which have been followed in the enactment of this legislation:

THE HOUSE BILL

On February 6, 1928, my colleague, Mr. ROBISON of Kentucky, introduced H. R. 10565. Thereupon a hearing was held before the Committee on Roads, to which the bill had been referred on February 9, 1928, at which appeared the former Governor of Kentucky, W. J. Fields, Dr. A. T. McCormack, secretary of the State board of health of Kentucky, Judge Noah Bentley, county judge of Letcher County, and the various members of the Kentucky delegation. The bill was given a unanimous report by the committee on March 14, after having amended the bill in some particulars. The bill as amended and reported to the House reads as follows:

A bill to authorize an appropriation for the relief of the State of Kentucky on account of roads and bridges damaged or destroyed by the recent floods

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$1,889,994 for the relief of the State of Kentucky, to restore and recondition the roads and bridges damaged or destroyed by the floods in said State in the year of 1927: *Provided*, That any sums appropriated under this authorization shall be expended under the supervision and direction of the Department of Agriculture and Bureau of Public Roads in cooperation with the State highway department of the State of Kentucky: *Provided further*, That the amount herein authorized to be appropriated shall be available when the State of Kentucky shall make available a like sum, which shall be expended to restore and recondition said roads and bridges: *Provided further*, That not more than \$3,000 per mile on any road and not more than \$15,000 on any bridge shall be expended out of any funds appropriated under this act: *Provided further*, That no part of any sums appropriated under this act shall be expended for rights of way, or damages of any kind or character, or for engineering fees incurred by the State of Kentucky, or any subdivision thereof: *And provided further*, That no part of any sum appropriated under this act shall be expended for the restoration of any road, street, or highway within any incorporated town or city.

REPORT OF COMMITTEE ON ROADS

The unanimous report of the committee which was made by Mr. ROBISON of Kentucky, excluding the special reference to the amendments and the draft of the bill as amended, reads as follows:

This bill as amended provides an authorization of \$1,880,994 for the relief of the State of Kentucky to assist in the restoration and reconditioning of the roads and bridges damaged or destroyed by unprecedented floods in said State in the year 1927.

It is provided that any sums appropriated under this authorization shall be spent under supervision and direction of the Department of Agriculture and Bureau of Public Roads in cooperation with the Kentucky State highway department; and further that the sums appropriated hereunder shall not be available unless and until the State of Kentucky shall make available a like sum to be expended in cooperation with the Federal Government.

The bill further provides, in accordance with the Federal road act, that not more than \$3,000 per mile on any road and not more than

\$15,000 on any bridge shall be expended out of the Federal funds; and that no portion of the Federal appropriation shall be expended for rights of way, damage of any kind or character, or for engineering fees incurred by the State of Kentucky, or any subdivision thereof; with the further provision that none of the moneys authorized under this act shall be used in the restoration of any road, street, or highway within any incorporated town or city.

Thus it appears that the provisions of the bill follow the language of the Federal road act in respect of the expenditures of the money, excepting that none of the moneys authorized herein may be used within an incorporated town or city.

The flood disaster which hit Kentucky in 1927 did not receive the prominence and publicity which otherwise might have been its lot had it not occurred during the great Mississippi flood. It was the greatest catastrophe of any character that ever visited the State of Kentucky. The cloudburst in the mountains of Kentucky came without warning, in the night. The record shows an appalling situation. The Kentucky River, within a few hours, rose 75 feet above its normal level. Nothing could withstand its onslaught. Hundreds of houses were thrown from their foundations and relentlessly swept on with the flood. Homes, farm buildings, fencing, tillable soil on the hillsides, with the more fertile soil of the narrow bottoms, were swept away. Miles of railroad were destroyed, all other lines of communication totally wiped out, until it was four days subsequent to the catastrophe that its magnitude was given to the outside world.

Ninety-nine persons lost their lives, 401 bridges were swept away entirely or materially damaged. The minimum estimate made by Red Cross representatives for the road and bridge damage is some \$3,000,000. Practically 2,500 miles of road were destroyed or materially damaged. Property damage, excluding a great amount of personal property, was \$56,790,000. The bridges across the mountain streams having been washed away, hundreds of school children are unable to attend the school of their locality, and accessibility to their churches is likewise hindered. The mail service is tremendously impaired. The engineer from the State highway commission, together with a Federal engineer, have placed their approval upon the estimates submitted as the basis of this authorization. In many instances the estimates are based upon the cost of the roads and bridges in the first instance, whereas the cost of replacement will be materially greater. An emergency is shown to exist which justifies this legislation.

ACTION IN SENATE

It appeared that there would be some difficulty in securing a rule for the consideration of this legislation and the bill, having been objected to on the Consent Calendar, the junior Senator from Kentucky [Mr. BARKLEY] on March 29 was successful in adding the House bill, in the language of an appropriation, to the agricultural appropriation bill, and that bill, with this item included, passed the Senate upon that day.

EXECUTIVE APPROVAL

At the time of its inclusion in the appropriation bill in the Senate the Kentucky item did not have the sanction of the Bureau of the Budget or of the Bureau of Roads. It had been thought by some that, being a legislative policy, it was not necessary to secure this indorsement. I had not subscribed to this suggestion, and after its passage in the Senate the Director of the Budget and the Chief of the Bureau of Roads were presented with the facts surrounding the disaster sought to be relieved in part and their approval secured.

CONFERENCE

In conference the amendment offered from the floor by the gentleman from Iowa [Mr. DICKINSON] was agreed to as the proper language that the amendment should contain, and the conference report was filed May 5.

STATEMENT BEFORE COMMITTEE

Under the leave granted me I include herewith a statement which I made before the Committee on Roads at the hearing on the bill:

STATEMENT OF HON. FRED M. VINSON, REPRESENTATIVE FROM THE STATE OF KENTUCKY

Mr. VINSON. I represent the ninth district of Kentucky, in eight counties of which the devastating flood of May 29-30, 1927, visited. As graphic and as eloquent as are the statements to which you have listened this morning, the story has never been told. Unless you are acquainted with our mountain country you can not get the picture.

Here it should be stated that in the floods to which reference has been made there were loss of life of 99 persons, bridges badly damaged or totally destroyed to a total of 401, roads badly damaged or totally destroyed aggregating 2,480 miles, a total damage to roads and bridges of more than \$2,600,000, with the estimated property damage the stupendous sum of \$56,790,000.

The eight counties of my district comprise about one-third of the flooded area; in it is one-third of the total bridges destroyed, one-third of the road mileage involved, and approximately one-third of the loss in life. In my district 24 persons were drowned, 111 bridges

were badly damaged or totally washed away, 788 miles of road were likewise damaged or destroyed. The damage of roads and bridges was vastly in excess of \$430,650, the amount presented in the estimates of the county officials under the O. K. of the State highway commission.

I repeat that unless one is acquainted with this section of country you can not visualize the damage wrought by this catastrophe. It came without warning in the stealth of the night. Nothing in that section ever approached this flood in its devastating effects upon life and property. Twenty-seven counties of Kentucky were involved in the flood calamity—6 counties in the first congressional district, 2 counties in the second, 2 counties in the seventh, 8 counties in the ninth, 8 counties in the tenth, and 1 county in the eleventh.

* Last night a member of the Kentucky delegation not living in the flood area inquired about the damage to the completed roads wrought by the flood. He did not know that in the whole of the flood area in eastern Kentucky at the time of the flood surfaced roads did not exceed 6 miles. South of the Midland Trail, Federal Road No. 60, which runs across Kentucky between Ashland and Louisville, there are but 6 miles of surfaced road in the areas visited by the flood.

I was born in the mountains of Kentucky. I was reared in that hill country. I live there now as a matter of choice. I know something about the conditions that obtain there resultant from the flood and I know something about the characteristics of our people. Every word spoken relative to the inability to reach the school or the church of their locality because of the lack of bridges which were washed out in the flood is true. Further, I state to you that the estimates submitted to this committee from the mountain counties do not state the minimum damage. It is not fair to call their estimate a minimum, because it is below the minimum flood damage.

For illustration, the estimate from one county in my district—Morgan—submitted to me by my good friend C. P. Henry, county judge, shows that 56 bridges were badly damaged or totally destroyed and 323 miles of road likewise damaged. The total estimate to repair this damage is some \$37,860—\$30,000 for repairing the roads and \$7,860 for repairing the bridges; and then appended to the report is a statement that this estimate is based upon free labor to do the job.

Mr. ROBISON. Do you mean that 56 bridges were destroyed?

Mr. VINSON. Fifty-six bridges badly damaged or destroyed and 323 miles of road thus affected.

I say to you that the hill people are a conscientious folk, and have not formed the habit of coming to the Federal father for aid and succor, and in that connection I say to you that there is no spot in the land where the people respect the Federal Government and love the flag more than those who reside among the Kentucky hills.

With your permission, I will discuss the fiscal affairs of the counties in my district within the flood area in connection with the damage sustained. I want to prove conclusively to you that these counties, because of certain legal limitations in our State constitutions, can not perform the task of reconstruction. I would show you the legal status of the State in respect to its inability to do this job.

ELLIOTT COUNTY

Take Elliott County as an illustration. Eight persons were drowned. They lost 5 large bridges, running from 70 to 200 feet in length, and reported 24 miles of road badly damaged or destroyed. Their estimate of loss for the bridges is \$102,500; for the roads, \$49,000—a total of \$151,500. The loss to the bridges is below the minimum cost of replacing them. The Laurel Bridge, 200 feet in length, was washed away. The estimate to replace it is \$50,000. The engineers from the State highway commission who are here now state that it would easily cost \$75,000.

Relative to the roads, there are 2 miles of a road leading from their county seat which was totally destroyed. When I say totally destroyed I mean that every vestige of the road had disappeared. Ten miles of this road they report as badly damaged. It was in that section that Governor Fields in visiting the region was compelled to dismount from his horse and lead it along the precipices. We would call such a condition destroyed.

Elliott County had in 1920 a population of 8,887 people scattered over an area of 263 square miles. Its total assessed valuation for the year 1927 (as of July 1, 1926) was \$1,473,494. The flood damage to property is reflected in the first recapitulation for 1928 (as of July 1, 1927), which gives the total assessed valuation at \$1,315,796.

The total income from all sources for the year 1927 was \$12,500. This total included a check of some \$3,600 which the county received as its portion of the State truck fund. The amount of their road fund, exclusive of the truck check, is \$5,500. The statement submitted to the committee shows that the total road indebtedness is \$95,000, of which \$41,000 is represented by bonds voted by its people. My information is—and if I am incorrect Governor Fields will point it out—a bond issue of \$50,000 was voted in Elliott County.

Governor FIELDS. Yes, sir.

Mr. VINSON. When it came to selling these bonds the total assessed valuation would not permit the sale of all of them. In other words, the people voted more than they could legally issue. I believe I am safe in saying that this condition in respect to bond issues obtains in almost every county in the flood area.

MENIFEE COUNTY

I know that it obtains in Menifee County. There a bond issue for \$50,000 was voted. Their total revenue is \$8,400.40. In that county eight bridges were destroyed or badly damaged and 15 miles of road destroyed. The estimate of their damage is \$15,350. This county has a population (1920 census) of 5,779, with an area of 203 square miles. The assessed valuation for 1927 was \$1,173,920, with the first recapitulation for 1928, \$1,076,587.

MORGAN COUNTY

There were 12 persons drowned in this county, 56 bridges badly damaged or destroyed, 323 miles of road damaged. It is a county having a population (1920) of 16,518, with an area of 365 square miles. The assessed valuation for 1927, \$3,955,920, with the first recapitulation for 1928, \$3,193,539. The total income from all sources, \$23,000. The road fund, \$3,500 per year. A road-bond issue of \$200,000 was voted, but only \$170,000 could be issued as valid securities, they having in addition a floating debt of \$90,000. The estimate from this county called for \$37,860, but in this amount it is shown that they contemplated the use of free labor in this work of rehabilitation.

Mr. MANLOVE. You say that those estimates come from the counties themselves?

Mr. VINSON. The county officials submitted the estimates. The State highway commission made a survey to see that these estimates were not in excess of the actual need. As I understand it, the State highway commission does not approve these estimates as being sufficient to do the job. Is that correct, Major Helburn?

Major HELBURN. Yes, sir.

Mr. MANLOVE. But that undoubtedly is not in excess of the amount required.

Mr. VINSON. No; it is considerably less than the amount required.

Referring again to the road bonds issued by this county, I submit that this expression at the polls in which bonds in excess of the constitutional amount permitted is voted is indicative of the road spirit which prevails in this section.

Mr. MANLOVE. You are in that section of the State which they call the lowlands?

Mr. VINSON. No; I am in the mountains. My home is in Lawrence County, which is situated in the northern part of the mountain section.

Mr. BRAND. You have to have just about as many roads in the poorer counties as in the rich?

Mr. VINSON. Yes, sir; and we need bridges more than in the lower levels of the State.

If you will visualize a deep chasm sometimes 50 feet in depth spanned by a bridge, the church and the school on the one side serves the community on the other. Then have the bridge washed off. You can not jump the creek or the river. Ofttimes you can not get to the creek in any conveyance. It is necessary to go around. Ofttimes it is necessary to go miles to reach the spot where you could have gone in just a few minutes if the bridge remained. Ofttimes it is a fast-moving stream; flood waters will come, and in such condition a passage is not possible, except attended with grave danger.

Mr. ALMON. You can not use ferries on streams like that?

Mr. VINSON. No; they are mountain streams, and you could not use ferries on them.

Major HELBURN. A short time ago a statement was made relative to the cost of roads in the mountain section. Let me say that in Perry County some of the through roads cost two or three times as much as they do in the lower levels.

Mr. VINSON. It is unquestionably more than it would be in the counties in the central portion of the State. If you have good roads, over which the road material may be transported, the cost is very much less, but when you have to haul road material 20 miles over a mountain trail to build a bridge that cost in itself mounts high.

BREATHITT COUNTY

Breathitt County gave up four persons in death as a result of this flood. There were six bridges and 80 miles of road damaged and destroyed. These bridges range in length from 100 to 250 feet, and the estimate submitted for the bridges is \$92,000; the estimate for the roads, \$80,000, making a total of \$172,000.

This county in 1920 had a population of 20,614; its area composed of 483 square miles. The assessed valuation of its property for 1927, \$4,160,668. The first recapitulation for 1928 was \$3,464,820. I do not have the exact amount of its annual income and its indebtedness, but I do not hesitate to say that it has voted road bonds up to the full amount permitted by law.

ROWAN COUNTY

Rowan County had a population in 1920 of 9,467 persons, with an area of 272 square miles. The estimate submitted in the report is the sum of \$20,400 to replace one bridge at Clearfield and 30 miles of road. Seventeen miles of road was totally destroyed and 5 miles practically destroyed. The total income of this county was \$18,800 for 1927, of which amount it allocated \$4,000 to the road fund, which

included a State truck check of around \$3,000. Its floating indebtedness is only \$10,000, which was created to expend on the roads and bridges damaged by the flood. The assessed valuation for Rowan County for 1927, \$3,115,499, with practically the same amount for 1928. Road bonds voted in this county total \$150,000. This county has a bond issue, which is only limited by the constitutional prohibition as to amount.

WOLFE COUNTY

This estimate submitted in the sum of \$7,000, of which amount \$2,000 was to replace two bridges, and the remainder, \$5,000, was to repair and replace 25 miles of road. In this county they have a bond issue which is only limited by the constitutional prohibition as to amount. The assessed valuation for 1927 for this county, \$1,819,481; the first recapitulation for 1928, \$1,419,658. Wolfe County had (1920 census) population of 8,783 with an area of 230 square miles.

CARTER COUNTY

Officials from this county submit an estimate of \$35,000 to replace or repair 100 miles of road at the rate of \$300 per mile, together with 25 small bridges at an average cost of \$200 each. The assessed valuation of Carter County for 1927 was \$6,847,569. The first recapitulation for 1928, \$5,987,545. Its population (1920 census) was 22,474; its area, 413 square miles. Many years ago they voted a road bond issue, and in recent years, as I recall it, they have voted two additional bond issues for use in the construction of roads. They are up to the constitutional limit.

LAWRENCE COUNTY

The officials in this county submitted an estimate of \$13,500 to take care of 6 bridges and 25 miles of road. The total revenue from all sources in this county is \$110,000 per year, with a road and bridge fund of \$20,000, floating debt of \$37,000, and road bonds in the amount of \$250,000. The assessed valuation of Lawrence County in 1927 was \$7,022,635; first recapitulation, 1928, \$6,055,721. Population in 1920 was 17,643, and it covers an area of 422 square miles.

You have heard Major Helburn, of the State highway commission, say that the State will expend \$10,000,000 in this flood area within the next few years. The question has been asked here, why can't the State bear this entire burden. In the past eight years there has been a road-building campaign carried on in Kentucky. This is evidenced by the fact that more than 90 counties in Kentucky have voted a bond issue in order to contribute the proceeds thereof to the State for road-building purposes. In practically all these counties the State has either spent three times as much money as the county voted or has promised to expend State funds upon a 3-1 basis, and the funds of the State under these pledges have been allocated for the next several years.

Then there is the constitutional limitation of the State indebtedness. This prohibits the issue of State bonds to meet this emergency. Many of these roads are not on the State highway system, which precludes the expenditure of State funds upon them. I take it that the legislature now in session will look to that end as well as the other legislation necessary to permit the State to do the things required under this bill ere Federal contribution can be had.

My friends, I want to close my remarks by reading an editorial from the Jackson Times, published in Jackson, Ky. Breathitt County is in my district; it possesses a fine type of manhood and womanhood. This editorial, I state to you, is typical of the spirit which prevailed in that section of the country when the friends from the lowlands extended a neighborly hand to their friends of the highlands. This editorial is typical of the minds and the hearts of the Kentucky people.

It is dated June 10, following closely after the flood.

Doctor MCGOWAN. Eight days later.

Mr. VINSON. It is headed, "We thank you." The body of the editorial reads as follows:

"WE THANK YOU

"We Kentuckians in the mountains are grateful to you Kentuckians of the lowlands. You heard our cries of distress and sorrow after our beloved Kentucky River had changed from a limpid, sullen stream and transformed into a raging torrent of might and destruction almost in the twinkling of an eye. The hundred cries of frightened children, the pathetic moans of frantic women, the apprehensive words of anxious men, reached your ears almost as soon as the murky waters receded and left a filthy offering of mud and slime.

"We did not ask for help and you gave it; you gave it. You soothed our sorrows with your sympathy; you matched our every tear with a dollar; you forever dispelled the idea of a Kentucky of four parts with a spontaneous balm of helpfulness and sympathetic interest.

"We are a grateful people and we do not forget; we may be down now but we will pull out. We will stay on our road of progress, however difficult and tortuous the way may seem for a little while.

"We are bearing our burdens as only Kentuckians can. You are making our burdens lighter as only Kentuckians can. We are offering our thanks in that same spirit and know that you will accept and understand."

This is a condition that confronts us. In the language of this editorial, emanating from the heart of the Kentucky mountains, we say to

this committee, and we will say to the Congress of the United States, when you heed our cry and answer our call, "We thank you." [Applause.]

AN ACT OF GRACE

Some question has been raised relative to this legislation being bottomed upon a legal basis. I have never attempted to deceive anyone, let alone myself, as to the basis of this appropriation. It is a gratuity, an act of grace. An unprecedented calamity befell a portion of this country and, as ever, the Federal Government responded to the call for help. I submit that it is not a precedent on the part of the Federal Government in the contribution of public moneys to relieve the distressed condition of its people. This is a precedent only in respect to the manner in which the money is to be expended.

It is a precedent for Kentucky—99 lives lost, 401 bridges destroyed, 2,481 miles of road destroyed, \$56,000,000 worth of property destroyed; a large section of the State unable to replace the bridges constructed over a period of 50 years; it is the first time that Kentucky has called for help. In so doing her Representatives do not feel that it is charity. An area of 9,000 square miles felt the destroying touch of this unprecedented catastrophe; a half million people live within that area, with homes destroyed, with farms washed away, with the children unable to attend church or school when it be situate on the other side of the mountain stream. As a Representative of nine counties in the flooded area I feel no shame in asking your consideration of this plea for help. The State Legislature of Kentucky has appropriated funds to match dollar for dollar the Federal appropriation. The appropriation is without legislative authority except in so far as your action authorizes it, but it is not a charity. It is justice to a deserving people.

The quality of mercy is not strained;
It dropeth as the gentle rain from heaven.

Mr. WARREN. I assume the States involved will accept it in any way they get it, but my reason for voting to report the bill favorably from the committee was that it is a duty of the Federal Government to replace these roads that have been destroyed by disasters.

Now, commenting on the remarks made by the gentleman from Oklahoma [Mr. HASTINGS], I wish to say that at the very beginning of this session a general bill was introduced to take care of this situation and to set up an emergency fund of \$10,000,000 always to be available to replace Federal-aid roads and bridges that might be destroyed by a disaster in any State. This bill has been indorsed by the bureau and by the State highway commissions of 36 States. A hearing at one time was ordered on it and then suddenly called off, and the only conclusion that I could arrive at as to why it was called off was that it was becoming too popular and they did not want a member of the minority to have a bill of this kind reported out that would be adopted by the House if it ever came to a vote.

The SPEAKER. The question is on the motion of the gentleman from Iowa.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

AGRICULTURAL APPROPRIATION BILL

Statement of Senate amendments involving appropriations, showing amounts appropriated by the House and Senate, respectively, the amount finally agreed upon, together with the increases over the House figure or the reductions under the Senate figure.

Amend- ment No.	Subject	Appropri- ated by House	Appropri- ated by Senate	Amount agreed upon	Increase, agreed amount, above House figure	Decrease, agreed amount, under Senate figure
4, 5	Handbook on fruit and vegetable diseases.	46	\$15,000			
15	Meteorological station, Greensboro, N. C.		7,000	\$7,000	\$7,000	
16	Additional maintenance weather stations for service to Air Service of Army.		48,500	48,500	48,500	
19	For increase over Budget for veterinarians.	\$2,300	4,600	4,600	2,300	
21	do	7,700	16,100	16,100	8,400	
25	do	1,200	2,400	2,400	1,200	
27	For poultry experiment station, Glendale, Ariz.		5,000	5,000	5,000	
	Nutrition researches.		10,000			10,000
29	Investigations of anaplasmosis.		20,000	20,000	20,000	
	Cattle-grub investigations, additional to amount appropriated by House.		10,000			10,000
	Investigations, contagious abortion of animals.		10,000			10,000
	Poultry investigations.		50,000			50,000
31	For increase over Budget for veterinarians.	1,600	3,200	3,200	1,600	
37	do	26,260	52,520	52,520	26,260	
41	Dairy industry investigations.		13,000			13,000
45	Investigations of phony disease of peach trees.		10,000	10,000	10,000	
46	Citrus-canker eradication in cooperation with Florida.		5,000	5,000	5,000	
47	Rubber-growing investigations.		25,000			25,000
	Varietal studies of cotton.		19,200			19,200
49	Increase for enforcement of seed act.	5,462	9,462	9,462	4,000	
50	Wheat-smut investigations.		5,000	5,000	5,000	

Amendment 100: Page 82, after line 7, insert the following:

"FLOOD RELIEF, KENTUCKY

"For the relief of the State of Kentucky, to restore and recondition the roads and bridges damaged or destroyed by the floods in said State in the year of 1927, the sum of \$1,889,994: *Provided*, That any sums hereby appropriated shall be expended under the supervision and direction of the Department of Agriculture and Bureau of Public Roads in cooperation with the State Highway Department of the State of Kentucky: *Provided further*, That the amount herein appropriated shall be available when the State of Kentucky shall make available a like sum, which shall be expended to restore and recondition said roads and bridges: *Provided further*, That not more than \$3,000 per mile on any road and not more than \$15,000 on any bridge shall be expended out of the funds hereby appropriated: *Provided further*, That no part of the sum herein appropriated shall be expended for rights of way, or damages of any kind or character, or for engineering fees incurred by the State of Kentucky, or any division thereof, or for the restoration of any road, street, or highway within any incorporated town or city."

Mr. DICKINSON of Iowa. Mr. Speaker, I move that the House further insist on its disagreement.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment 102: Page 83, line 15, strike out \$132,488,849.88 and insert "\$139,469,738.88."

Mr. DICKINSON of Iowa. Mr. Speaker, I move that the House recede and concur with an amendment as follows:

The Clerk read as follows:

Mr. DICKINSON of Iowa moves that the House recede from its disagreement to the amendment of the Senate No. 102, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "\$139,138,793.88."

Mr. DICKINSON of Iowa. Mr. Speaker, there seems to be some misunderstanding as to the House insisting on its disagreement to amendment 100. I want to say that that is the Kentucky item, and it is included in amendment 99, which also provides for Vermont and New Hampshire. The Senate will recede from the Kentucky amendment and accept ours.

Mr. KINCHELOE. Amendment No. 99 has still to be adopted by the Senate?

Mr. DICKINSON of Iowa. Yes; it has to be agreed to by the Senate.

Mr. KINCHELOE. It will not have to be further agreed to by the Senate conferees?

Mr. DICKINSON of Iowa. No.

The SPEAKER. The question is on the motion of the gentleman from Iowa to recede and concur with an amendment.

The motion was agreed to.

Mr. DICKINSON of Iowa. Mr. Speaker, I ask unanimous consent to extend my remarks by including a statement with reference to the various items in this bill, giving complete data as to the different items in the bill.

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

There was no objection.

The matter referred to is as follows:

AGRICULTURAL APPROPRIATION BILL—continued

Statement of Senate amendments involving appropriations, showing amounts appropriated by the House and Senate, respectively, the amount finally agreed upon, together with the increases over the House figure or the reductions under the Senate figure

Amend- ment No.	Subject	Appropri- ated by House	Appropri- ated by Senate	Amount agreed upon	Increase, agreed amount, above House figure	Decrease, agreed amount, under Senate figure
53	Study of diseases of wild blueberries, Florida.			\$2,500	\$2,500	
54, 55	Field experiment station, dry-land agriculture, Umatilla, Oreg.			10,000	10,000	10,000
56	Horticultural experiment station, Cheyenne, Wyo.			100,000	100,000	100,000
57	For increase over Budget for experiments in apple washing to remove spray residues.			5,000	5,000	5,000
	For studies of precooking of fruit intended for shipment as applied: o citrus fruits of southwestern States.			15,000		\$15,000
58	For increase for studies of forage crops.	\$22,000		44,500	44,500	22,500
60	Forest Service experiment station in New Mexico-Arizona region.			14,245		14,245
61	To increase capacity of tree nursery at Monument, Colo.			20,000	10,000	10,000
62	For silvical investigations, Lake States Experiment Station.			20,000		20,000
63, 64	Additional for range improvements.			30,000		30,000
68	Agricultural chemistry:					
	Food research.			5,000	10,000	5,000
	Oil, fat, and wax investigations.			3,000	3,000	3,000
	Sweet-potato utilization studies.			5,000	10,000	5,000
69	Farm fire investigations, increase for.			15,000	10,000	10,000
71	Spray residue investigations.			5,000	10,000	5,000
72	European earwig investigations.			7,000	11,410	4,410
73	Year-round alfalfa-meal shipments, investigation of possibility of.			5,000	5,000	5,000
74	Additional for cattle-grub investigations.			25,000	40,000	25,000
78	Additional clerk, Washington office, Biological Survey.			1,480	1,480	1,480
79	Construction of dam across Cold Springs Creek, Montana National Bison Range.			30,000	30,000	30,000
80	Eradication of predatory animals, increase for.			54,500	54,500	54,500
	Increase for studies of fur-bearing animals.			2,500	10,000	2,500
82	Elk and bison investigations.			5,000	5,000	5,000
83	Investigations relating to woodcock.			12,000		12,000
87	Investigations relative to uses of cotton, additional.			10,000	10,000	10,000
	Grading and marking of meats.			50,000		50,000
90	Shanghai office.			10,000	10,000	10,000
96	Forest roads and trails.	6,500,000		7,500,000	7,500,000	1,000,000
98, 100	Restoration of roads destroyed by floods in Vermont, New Hampshire, and Kentucky.			5,197,294	5,197,294	5,197,294
101	Eighth International Dairy Congress.			10,000	10,000	10,000
	Total.			6,616,022	13,596,911	13,285,966
						6,649,944
						330,945

CHRISTINE BRENZINGER

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 5297, for the relief of Christine Brenzinger, with a Senate amendment, and agree to the Senate amendment.

The SPEAKER. The gentleman from Montana asks unanimous consent to take from the Speaker's table the bill H. R. 5297 and agree to the Senate amendment.

The Senate amendment was read and agreed to.

SHOSHONE INDIANS

Mr. LEAVITT. Mr. Speaker, I present a conference report on the bill S. 710 for printing in the RECORD under the rule.

POST OFFICE AT PHILIPPI, W. VA.

Mr. ELLIOTT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 10799) for the lease of land and the erection of a post office at Philippi, W. Va., and for other purposes, with Senate amendments, and agree to the same.

The SPEAKER. The gentleman from Indiana asks unanimous consent to take from the Speaker's table the bill (H. R. 10799) and agree to the Senate amendment. Is there objection?

There was no objection.

The Senate amendment was read.

The Senate amendment was agreed to.

LEGISLATIVE APPROPRIATION BILL

Mr. MURPHY. Mr. Speaker, I call up the conference report on the bill H. R. 12875, the legislative appropriation bill, and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Ohio calls up the conference report on the legislative appropriation bill, and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12875) making appropriations for the legislative branch of the Government 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 39 and 45.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 40, 41, and 44, and agree to the same.

The committee of conference have not agreed on amendments numbered 42, 43, and 46.

FRANK MURPHY,

GEO. A. WELSH,

WM. P. HOLADAY,

JOHN N. SANDLIN,

EDWARD T. TAYLOR,

Managers on the part of the House.

F. E. WARREN,

REED SMOOT,

CHARLES CURTIS,

E. S. BROUSSARD,

ROYAL S. COPELAND,

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. 12875) making appropriations for the legislative branch of the Government 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 amendments Nos. 1 to 33, inclusive: Inserts figures, as proposed by the Senate, making salary increases for certain employees in the Senate in the offices of the Vice President, Secretary, certain committee clerks, post office, and the folding room.

On Nos. 34 to 38, inclusive: Inserts figures, as proposed by the Senate, allowing increases in certain Senate contingent expense items.

On No. 39: Strikes out the language, as proposed by the Senate, allowing reimbursement for expenses of travel of certain clerks.

On Nos. 40 and 41: Inserts figures, as proposed by the Senate, a salary increase for the Architect of the Capitol.

On No. 44: Inserts figures, as proposed by the Senate, allowing an increase of \$2,000 in the fund for maintenance, Senate Office Building, for the purpose of repairing the roof.

On No. 45: Strikes out the language, as proposed by the Senate, relative to the compensation rates for employees on leave in the Government Printing Office.

The committee of conference have not agreed to the following amendments:

On No. 42: Transferring an amendment, as proposed by the Senate, with reference to the submission of bids to the Architect of the Capitol in connection with the appropriation for improving the ventilating system of the Senate Chamber and the Hall of the House of Representatives to the appropriation as inserted by the Senate for rearranging and reconstructing the Senate wing of the Capitol.

On No. 43: Inserting language, as provided by the Senate, obviating sections 3709 and 3744 of the Revised Statutes, having to do with the submission and acceptance of bids with reference to the appropriation for improving the ventilating system of the Senate Chamber and the Hall of the House of Representatives.

On No. 46: Inserting language, as proposed by the Senate, making applicable to the Government Printing Office section 91, chapter 5, title 20, of the Code of Laws of the United States, permitting the employment of individuals for scientific purposes.

FRANK MURPHY,
GEO. A. WELSH,
WM. P. HOLADAY,
JOHN N. SANDLIN,
EDWARD T. TAYLOR,

Managers on the part of the House.

Mr. MURPHY. Mr. Speaker, I move the adoption of the conference report.

The conference report was agreed to.

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Amendment No. 42: Page 25, line 1, insert: "Senate wing reconstruction: To rearrange and reconstruct the Senate wing of the Capitol in accordance with the report of the Architect of the Capitol contained in Senate Document No. 161, Sixty-eighth Congress, second session, with such alterations as the Senate Committee on Rules may from time to time approve, to be immediately available, and to remain available until June 30, 1930, \$500,000, to be expended by the Architect of the Capitol, under the direction and supervision of the said Committee on Rules."

Mr. MURPHY. Mr. Speaker, I move that the House recede and concur in the Senate amendment with an amendment which I send to the desk and ask to have read.

The Clerk read as follows:

Mr. MURPHY moves that the House recede from its disagreement to the amendment of Senate No. 42, and agree to the same with an amendment, as follows: After the word "Rules," on page 25, line 9, insert the following: "without compliance with sections 3709 and 3744 of the Revised Statutes of the United States: *Provided*, That the Architect of the Capitol is authorized, within the appropriation herein made, to enter into such contracts in the market, to make such expenditures (including expenditures for furniture, material, supplies, equipment, accessories, advertising, travel, and subsistence), and to employ such professional and other assistants without regard to the provisions of section 35 of the public buildings omnibus act, approved June 25, 1910, as amended, as may be approved by such committee."

The SPEAKER. The question is on agreeing to the motion of the gentleman from Ohio.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 43: Page 25, line 24, after the word "Capitol," insert: "Without compliance with sections 3709 and 3744 of the Revised Statutes of the United States: *Provided*, That in carrying out the reconstruction and ventilation of the Senate Chamber and House of Representatives, the Architect of the Capitol is authorized, within the appropriation herein made, to enter into such contracts in the open market, to make such expenditures (including expenditures for furniture, material, supplies, equipment, accessories, advertising, travel, and subsistence), and to employ such professional and other assistants without regard to the provisions of section 35 of the public buildings omnibus act, approved June 25, 1910, as amended, as may be approved by such committee."

Mr. MURPHY. Mr. Speaker, I move to recede and concur in the Senate amendment with the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Mr. MURPHY moves that the House recede from its disagreement to the amendment of the Senate No. 43 and agree to the same with an

amendment, as follows: In lieu of the language as proposed by the Senate insert the following: "Without compliance with sections 3709 and 3744 of the Revised Statutes of the United States."

Mr. MACGREGOR. Mr. Speaker, will the gentleman yield?
Mr. MURPHY. Yes.

Mr. MACGREGOR. Mr. Speaker, it seems to me that the adoption of this amendment leaves the situation somewhat inconsistent. If the Senate is going to move their Chamber out to the wall, will we not have to do it on this side of the Capitol in the same way? [Applause.] There is an item in the bill of \$300,000 for putting more air in here, I suppose also to take out some of the hot air, but this expenditure of \$500,000 on the part of the Senate in moving its Chamber to the wall, it seems to me will destroy the architectural effect of the Capitol.

Mr. LAGUARDIA. But it can not be seen on the outside.

Mr. CLARKE. The gentleman will admit that there is a difference in the air in the Senate Chamber and the air in this Chamber?

Mr. MACGREGOR. Yes; I admit that the air here is somewhat better.

Mr. MURPHY. Mr. Speaker, the remarks made by the gentleman from New York [Mr. MACGREGOR] do not need any reply. He is voicing an opinion, which he has a perfect right to give. I have no explanation to make further than to say that if the Members of the Senate seek to improve conditions and by improving those conditions hope to prolong the life of those who are now Members of that body, it would certainly be very bad taste upon the part of the Members of the House not to allow them to do so.

Mr. NEWTON. Does the gentleman think that this amendment will improve conditions at the other end of the Capitol?

Mr. MURPHY. It is hoped so, Mr. Speaker.

Mr. SNELL. By better air or better what?

Mr. MURPHY. Better everything.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Ohio.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 46: Page 39, after line 14, insert: "Section 91, chapter 5, title 20, of the Code of Laws of the United States is hereby amended so as to include and apply to the Government Printing Office."

Mr. MURPHY. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

The motion was agreed to.

COORDINATION OF PUBLIC-HEALTH ACTIVITIES

Mr. MAPES. Mr. Speaker, I call up the conference report upon the bill (H. R. 11026) to provide for the coordination of the public-health activities of the Government, and for other purposes, and ask unanimous consent that the statements be read in lieu of the report.

The SPEAKER. The gentleman from Michigan calls up a conference report and asks unanimous consent that the statement be read in lieu of the report.

Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the statement.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11026) to provide for the coordination of the public-health activities of the Government, 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 amendment numbered 14.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 16, 17, 18, 19, 20, and 21, and agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "Provided, That the term of service of the Surgeon General of the Public Health Service shall be for four years: And provided further, That no person who has served for a period of eight years either before or after the passage of this

act shall be eligible for reappointment as Surgeon General"; and the Senate agree to the same.

JAMES S. PARKER,
CARL E. MAPES,
CLARENCE F. LEA,
Managers on the part of the House.
W. L. JONES,
CHAS L. McNARY,
DUNCAN U. FLETCHER,
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 bill (H. R. 11026) to provide for the coordination of the public-health activities, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and embodied in the accompanying conference report as to each of such amendments, namely:

On amendments of the Senate Nos. 1 to 13 and Nos. 16 to 21, inclusive, are either formal or clarifying amendments or amendments limiting or making more specific some of the provisions of the House bill. They do not affect the general purpose of the legislation and for the most part are in accord with it, some of them being already covered by the regulations of the Public Health Service.

On amendment No. 14, from which the Senate recedes, struck out the provision of the House bill permitting the appointment of the Surgeon General of the Public Health Service from outside of the service in the discretion of the President. The conferees are of the opinion that the President should not be confined to the service in making his selection for this important position but should be permitted, in his discretion, to select anyone specially qualified for the position.

On amendment No. 15: The House recedes from its disagreement to Senate amendment No. 15 and agrees to the same with an amendment. The conferees agree to the amendment fixing the term of the Surgeon General to four years and providing that no person shall be eligible for reappointment who has served as Surgeon General for a period of eight years. This will not affect the present term of the present Surgeon General but will apply hereafter. The conferees struck out the language in the amendment which seemed to contemplate that the Surgeon General might be relieved before the completion of the term for which he might be appointed.

JAMES S. PARKER,
CARL E. MAPES,
CLARENCE F. LEA,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

RETIREMENT OF EMERGENCY OFFICERS

Mr. SNELL. Mr. Speaker, I present a privileged report from the Committee on Rules, which I send to the desk and ask to have read.

The Clerk read as follows:

House Resolution 188

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 777, an act making eligible for retirement, under certain conditions, officers and former officers of the Army, Navy, and Marine Corps of the United States, other than officers of the Regular Army, Navy, or Marine Corps, who incurred physical disability in line of duty while in the service of the United States during the World War. That after general debate, which shall be confined to the bill and shall continue not to exceed five hours, to be equally divided and controlled by those favoring and opposing the bill, the bill shall be read for amendment under the five-minute rule. At the conclusion of the reading of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. SNELL. Mr. Speaker, this resolution makes provisions for the consideration of the Tyson-Fitzgerald bill for the retirement of emergency officers of the late war. I do not think the bill needs any introduction by me to the Members of this House or to the American people. The bill is controversial. For that reason the rule provides for five hours of general debate. Some of those who have been most interested in advancing legislation for the soldiers of the late war are opposed to this bill. They

desire to have full discussion of it. On account of the long time for general debate, I do not intend to take any more time at present in the discussion of the rule, but yield 10 minutes to the gentleman from North Carolina [Mr. POU].

Mr. RANKIN. Mr. Speaker, I think the membership of the House ought to be here to hear this argument on the rule. I make the point of order that there is no quorum present.

The SPEAKER. Evidently there is no quorum present.
Mr. SNELL. Mr. Speaker, I move a call of the House.

The motion was agreed to.

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

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

[Roll No. 76]			
Aldrich	Cooper, Ohio	Langley	Tatgenhorst
Anthony	Cramton	Larsen	Taylor, Tenn.
Aur der Helle	Curry	Linthicum	Thompson
Beck, Pa.	Davenport	Lozier	Tillman
Begg	Davey	Lyon	Treadaway
Bell	Dempsey	Morin	Tucker
Black, Tex.	Drane	Nelson, Me.	Underhill
Blanton	Faust	O'Connor, N. Y.	Underwood
Bloom	Fisher	Oldfield	Updike
Boles	Gardner, Ind.	Oliver, N. Y.	Vestal
Bowling	Gifford	Palmer	Vinson, Ga.
Brand, Ga.	Golder	Parker	Watson
Brigham	Greenwood	Pratt	Weller
Britten	Hale	Purnell	Weish, Pa.
Bulwinkle	Hogg	Quayle	White, Kans.
Burdick	Hudspeth	Ramseyer	White, Me.
Burton	Igoe	Reed, N. Y.	Williams, Ill.
Busby	Johnson, Wash.	Sears, Fla.	Williams, Tex.
Butler	Jones	Sinclair	Williamson
Canfield	Kemp	Simott	Woodrum
Carley	Kendall	Stalker	Wright
Carter	Kent	Stobbs	Wurzbach
Casey	Kerr	Strong, Kans.	Yates
Collins	Korell	Strother	Yon
Connally, Tex.	Kunz	Sullivan	

The SPEAKER. Three hundred and twenty-nine Members are present, a quorum.

Mr. SNELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER. The gentleman from New York moves to dispense with further proceedings under the call. The question is on agreeing to that motion.

The motion was agreed to.

Mr. SNELL. Mr. Speaker, I yield 10 minutes to the gentleman from North Carolina [Mr. POU].

The SPEAKER. The gentleman from North Carolina is recognized for 10 minutes.

Mr. POU. Mr. Speaker, I am so earnestly in favor of the Tyson-Fitzgerald bill that I do not feel like consuming the time of the House, and I shall only do so for a very few moments.

In the first place, we should bear in mind that we are dealing with wounded officers, about 3,000 in number. The bill concerns not, of course, all of the men who were drafted into the service, but it provides for the retirement only of the wounded emergency officers of the World War.

Objection is made, because the bill does not provide equal treatment for all who were drafted from civil life. This objection could be made to the pay these men received during the war. Some were officers, others could not be officers. The salary of the officers always has been and probably always will be larger than the pay of the enlisted men.

I believe the enlisted man wishes his officer from civil life—that is, the wounded officer—treated exactly as the officer of the same grade from the Regular Army is treated. I do not admit that there is any precedent which ought now to govern America in dealing with the men who saved the civilization of the world. [Applause.] The World War has no precedent or parallel in the history of mankind, and, for my part, I shall not be governed by precedent in dealing with the men who were drafted into the service. It will be difficult for America to discharge the debt of gratitude she owes to these men, no matter what she does. I have been told that amendments would be offered to this bill for the purpose of killing it. I believe an overwhelming majority of this House favors this legislation. For one, as a friend of the bill, I shall vote against all such amendments. [Applause.]

Mr. Speaker, I think no mistake will be made in putting the wounded officers from civil life on an equality with the wounded officers of the Regular Army. It is easily conceivable how the officer from civil life may have made even greater sacrifice for his country than the officer of the Regular Army. This bill treats them all equally. There should be no partiality shown to either class.

Of course, all who saw service offered their all for their country; but it is also true that the officers and soldiers of

the Regular Army were pursuing their life work. The casualties among the junior officers particularly were very, very large.

A friend of mine, Mr. Sterling J. Joyner, now in this city, had a conversation last summer in a club in Paris with three of the French generals, outstanding generals in the French Army—General Petain, General Neville, and General Foch. In discussing the American soldiers this gentleman asked General Neville, "Just what do you think of the American soldiers and the part they took in the World War? How were they as soldiers?" He paused a moment, and then said, "I tell you, never in the history of the world have finer soldiers stood in the ranks of war. The only criticism I would make of them is that they were too careless of danger." [Applause.]

And that is the reason—that is one reason—why we are here to-day dealing with a measure which concerns so many wounded officers of the World War. They were not men who said, "Go." They were men who said, "Follow me." And for that reason the casualties among them were very large.

Mr. Speaker, I shall not take up more time of the House. I believe the House desires the opportunity to vote on this measure. It has passed the Senate time and time again. Consideration has been put off, to, these many years. The American Legion has indorsed it time and time again. I believe the people of America are behind this bill, and I believe the House will do itself credit by passing the Tyson-Fitzgerald bill. [Applause.]

Mr. MICHENER. Mr. Speaker, I yield 20 minutes to the gentleman from Tennessee [Mr. GARRETT].

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

Mr. GARRETT of Tennessee. Mr. Speaker, it has been my pleasure to support every item of legislation which has been brought before the House of Representatives in behalf of the disabled service men of the World War, except the rider placed on the appropriation bill by the Senate in 1920 which discriminated between officers and privates in the naval service and Marine Corps. Upon this, as I shall later show, there was no opportunity for an independent vote.

I have friends, political and personal, who have most earnestly and persistently urged me to support the pending bill. I do not recall ever having had more pressure brought upon me in behalf of any measure than has been for this one. Letters and telegrams have flooded my desk, not only from my State but from the entire country, and in numerous personal contacts I have been urged to vote for it.

I should be less than frank did I fail to admit the embarrassment which these requests and—I may say in some instances—demands have caused me. But I have been unable to reconcile myself to the support of the principle involved in the bill, and I wish briefly to state the reasons for my position.

First, let us see just what the bill is. It is designated in common parlance as the World War emergency officers' retirement bill. I think, however, that no frank advocate of the measure who really understands it will claim that it is anything other than a proposal to establish a system whereby disabled men of the World War who were officers will receive compensation—which up to the World War was called "pension"—according to rank. It is a pension bill based upon rank.

Under the terms of the bill emergency officers with a 30 per cent disability will receive compensation for life as follows:

Brigadier general	\$375.00
Colonel	250.00
Lieutenant colonel	218.75
Major	187.50
Captain	150.00
First Lieutenant	125.00
Second Lieutenant	93.75

The ordinary enlisted man with a 30 per cent disability will continue to receive just \$30 per month.

It is needless to say to those familiar with the pension laws of the past and present that this proposal is one which will completely change the traditional national policy of preserving equality in the volunteer and emergency armies, so far as pension or compensation is concerned.

No one can tell what the cost will be with any fair degree of accuracy, but I am not now worrying about the matter of cost. The principle involved causes the question of cost to pale into insignificance.

Let me first direct attention to the discrimination which the bill makes among the officers themselves.

The changed compensation will apply only to those officers who have a permanent disability of at least 30 per cent. Those officers who have less than 30 per cent will continue to draw on an exact equality with the private. Why should this be if we are to change the national policy and grant pension based upon rank?

We understand perfectly well what it will eventuate in. At next Congress the officers who are less than 30 per cent disabled will demand that this discrimination be removed and that their compensation be also based upon rank. If I were a supporter of this bill I can think of no legitimate reason why, should I be a Member of that Congress, I could refuse to support such a demand.

I learn from the minority report that this bill will favor 3,297 emergency officers whose disability is 30 per cent and above and will leave 6,972 emergency officers whose disability is less than 30 per cent upon the same basis of compensation as the enlisted man. It is further stated therein that there are 69,386 enlisted men who are disabled to the same degree as the 3,297 emergency officers who are to benefit and 173,842 whose disabilities are rated at less than 30 per cent permanent.

Second, let us look to the situation as regards the dependents of those officers who were killed or died in the service and since the war. This bill makes no provision to change their situation. The dependents of those dead officers will continue to draw compensation upon equality with the dependents of privates.

If we are to change the national policy and base compensation upon rank, should we not think of the dependents of the dead as well as the votes of the living? [Applause.]

These two glaring discriminations as between the emergency officers themselves seem to me to condemn the bill.

But it is urged that Congress is only being asked to place the emergency officers upon the same basis as officers of the Regular Army, and it must be said that this has doubtless been the most appealing argument or plea which has been advanced to the enlisted men to secure their indorsement of this measure. They have been asked at their Legion meetings, "Do you not feel that your officer who went out as you did from civil life should be treated as well as the Regular Army officer?" and it was the most natural thing in the world for the enlisted man to answer "Yes." In nine cases out of ten, I dare say, the enlisted man never gave consideration to the great question of national policy involved. He compared his emergency officer, whom he may have loved, with the Regular Army officer, whom he may not have loved so much, and compared them as officers. He did not, for the moment, think to compare the emergency officer with himself on the basis of citizenship. The enlisted man will come to think of this bye and bye, and just what, I wonder, is he going to say to us when he does? I believe I know. He is going to say, "Those emergency officers and I went out from civil life together. We sacrificed our businesses alike; we took the same hazard; we suffered the same tortures; we returned together to civil life and became equal again in the great mass of American democracy, equal in rights before the law, though for a time that man was an officer and I a private in the ranks." And when the enlisted men have worked this out in their minds they are going to cry out in bitterness, "Our Congress has done an undemocratic thing; they have overturned the traditions of our national life lasting down through a century and a half; they have discriminated between citizens, civilians now, if you please; they have engrafted a new principle upon the practice of the Republic; they have for the first time exalted rank!" [Applause.]

But let us see, for a moment, about the retirement of the officers of the Regular Army.

That system was instituted long before any Member of this Congress sat upon this floor. But we sitting here now can at least comprehend the reason which prompted our long ago predecessors to adopt it as a governmental policy, although it may not be popular as a campaign shibboleth.

We can imagine the early proponents of the system arguing in about the following language: "Ours is not a military Nation. God forbid that it shall ever become so. We maintain but a small standing Army, but we have to have officers for this Army and good ones. Those who become officers in the Regular Army, whether by way of West Point, as most of them do, or from the ranks, as sometimes happens, are men who make this their life work, their profession. They have no other avocation. Rare indeed does the opportunity present itself for one of them to accumulate financial means. We have to have them and, in order to have them competent and efficient, their life must be devoted to the profession. Naturally provision must be made for them when their period of usefulness has passed. The private in the Regular Army enlists for a brief period and at its end is at liberty to return again to civil life, and become again of its democracy."

As to whether the logic of the argument was entirely sound there may yet be some difference of opinion, but be that as it may, the system then adopted has come down to us through many, many years, without serious effort on the part of any

Congress, so far as I am aware, to abolish or materially change it.

So much for the Regular Army comparison. I submit the practice furnishes no precedent for this proposed bill.

But the insistence is made that a precedent is to be found in the treatment which has been accorded disabled officers of the Navy and Marine Corps. Let us see exactly what has been done in that regard, and how it was done.

When the naval appropriation bill of 1920, as it had passed the House, was under consideration in the Senate, an amendment was adopted by that body which carried legislation upon this subject.

It will be recalled that at the time the Budget system had not been adopted, nor had the present rule of the House been applicable to legislation upon appropriation bills. It therefore frequently happened in those days that the Senate would put legislative riders upon the supply bills, and it was within the power of the House conferees to accept such riders and make them an integral part of the conference report without returning to the House for a separate vote upon them as is now required.

That happened in this instance, and the conference report, which was a very long one covering many matters, carried this provision:

That all officers of the Naval Reserve Force and temporary officers of the Navy who have heretofore incurred or may hereafter incur physical disability in line of duty shall be eligible for retirement under the same conditions as now provided by law for officers of the regular Navy who have incurred physical disability in line of duty. (CONGRESSIONAL RECORD, 66th Cong., 2d sess., vol. 59, pt. 8, p. 8092.)

In the Sixty-seventh Congress—act of July 12, 1921—there was a repeal of this law in the following manner:

The Senate again attached a legislative rider to the appropriation bill dealing with this subject, and as agreed to by the conferees the language was the same as above quoted, but at the end there was added the following:

Provided, however, That application for such retirement shall be filed with the Secretary of the Navy not later than October 1, 1921.

There has been no further general legislation upon the subject.

It will be seen, therefore, that the law permitting this discrimination between the naval and marine emergency officers and the enlisted men of those organizations was in effect for just 15 months.

It will further be seen that this legislation was never considered by the House, or so far as the records show, by any committee of the House, as an independent piece of legislation. Both times it was placed upon the naval appropriation bill by the Senate as a rider, and came in the conference report, which under the rules had to be voted upon as a whole and without amendment.

The proviso inserted in the 1921 act acted as a repeal of the law of 1920, as of date October 1, 1921, and is the last expression of Congress upon the subject.

I am indebted to the gentleman from Nebraska [Mr. SIMMONS], one of the distinguished ex-service men of the House who is opposing this legislation, for the information that during the 15 months the law was in operation there were retired under its provisions 228 naval officers and 56 marine officers, and he further informs me of the significant fact that each and every one of these 284 men was in the service at the time he was retired.

The emergency Army officers whom it is proposed to favor by this bill were discharged long ago and are now in civil life. The naval and marine officers who benefited by the legislation quoted were retired from the service itself.

I doubt if this fact has been known to any considerable number of the emergency Army officers and their friends who have so earnestly appealed for this discriminatory legislation. They have honestly thought that a precedent had been set, when, as a matter of fact, Congress actually repealed the law by limiting its tenure to October 1, 1921. And so whatever of precedent there was has been wiped out, and we are at liberty to consider the legislation upon its merits alone.

I may say in passing that it is proposed in this bill to restore the naval and marine officers to the status they had for the 15-month period, and that is quite logical from the standpoint of those who favor discrimination between officers and enlisted men.

I return now to the principle underlying the proposed legislation. Ours is a democratic government founded upon a constitution designed to insure equality before the law. True to the fundamental spirit of such a Nation we have never maintained a large standing Army. When we have had to

defend ourselves with arms we have drawn our soldiers from civil life. It was their own country they were asked to defend—theirs in possession and their children's in heritage. They have never failed to respond and lift the sword of America to the heavens as it shimmered with glory in the sunlight—the fine sharp sword of democracy. [Applause.] Some became officers, most remained privates. At the end of each emergency those who survived returned to civil life and the every-day duties of the work-a-day world, and officer and man, released from the necessary rigors of military discipline and relations, became again equal as citizens.

Two young men went forth from the same town, the same business house, the same law office, the same farm. One became an officer, the other a private. They suffered alike; they were wounded upon the same battle field or contracted the same dread malady in the service. They were discharged together. Together they went back to the same business house or law office or farm, and to the extent that their physical condition admitted reengaged in the work of life. Do you tell me that I can by any process of reasoning justify voting to give one of them \$150 per month and the other only \$30 as compensation for the disability each suffered? I have been unable to find the justification.

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

Mr. MICHENER. I yield to the gentleman two minutes more.

Mr. GARRETT of Tennessee. I know, Mr. Speaker, it is now and then hinted privately that there must have been some sort of mental superiority in those who became officers. This is never publicly urged, but privately it will be said many of them made greater sacrifices of business, and so forth, than did the privates. There may be instances in which this was true, but after all, sir, each sacrificed his all, each offered his all, each dared his all. I submit that Congress can not search among the 4,000,000 men called to the colors and reach any just conclusion as to relative sacrifices and sufferings.

Remember this principle of retirement was not adopted for emergency officers of the Spanish War, the Civil War, the Mexican War, the War of 1812, or the Revolutionary War. It has remained to be demanded for the first time now. Are we ceasing to be a democratic Republic?

I trust no one will for a moment entertain the thought that I speak with any feeling toward the emergency officers save one of profoundest respect and gratitude. I should be most happy to support the bill did I not feel the principle involved to be inconsistent with the very fundamentals of our democratic Nation. [Applause.]

Mr. MICHENER. Mr. Speaker, I yield five minutes to the gentleman from South Carolina [Mr. STEVENSON]. [Applause.]

Mr. STEVENSON. Mr. Speaker, I will start exactly where my distinguished friend left off. He referred to two young men going out from the same town, suffering the same hardships, coming back, and one being discriminated against in favor of the other. That is exactly what inspired me to introduce the first bill looking to this relief, the first one that was ever conceived or ever introduced into this Congress.

Two young men in business in the same block in a neighboring town, but not in my district, went to a training camp together; they were trained together; they were graduated as second lieutenants together, and they went to France together; but one took his commission as a provisional lieutenant in the Regular Army, and the other took his commission in the National Army. In the course of that terrible conflict the man who took his commission in the National Army, on the 8th of November, just before the armistice, in leading his men to the front, as he had been doing ever since the push began, lost his right arm and was disabled in such a way that he could not follow his occupation in life. The young man who took his commission as a provisional lieutenant in the Regular Army was assigned, I believe, to the Quartermaster's Department, and he had the misfortune to fall off a truck and injure his knee, and he came home with a stiff knee. I was called on by friends of the young man who had lost his arm and who was at Walter Reed Hospital to go out to see him, and, being a friend of his people and of himself, I went out to see him, and then I found they were both there. But what was the situation? The young man with the right arm gone, the young man who had been facing German bullets while the other was in the Quartermaster's Department, was receiving compensation at the rate of \$15 a month for the loss of his right arm, while the other was eligible for retirement, and did retire, at \$125 a month for a stiff knee.

Now, when you talk about equality you must look at both ends of the proposition. [Applause.] Gentlemen, you can not require absolute and rigid equality when you come to deal with human rights, human passions, and human suffering.

You have got to remember that there is humanity in us and in the people of this country. I came back here and introduced the bill H. R. 6688, in the Sixty-sixth Congress, providing:

That any officer who has served in the military forces of the United States during the war with Germany and who does not belong to the Regular Army shall have the right, provided they have incurred disabilities while in the service during the said war, to be retired on the same terms and on the same compensation as like officers of the Regular Army.

I asked for equality between that young man with his right arm gone and the young fellow with a stiff knee.

What did I meet? They said, "It will never do to retire such men; the retired list is a sacred list, in which are written only the immortals who belonged to the Regular Army, and we can not have that." I said, "All right, give us the same compensation," and I introduced H. R. 10835, which provided:

That any officer who has served in the military forces of the United States during the war with Germany and who does not belong to the Regular Army and who incurred disabilities while in the service during the said war, shall be entitled to the same compensation as like officers of the Regular Army receive on being retired for an equal disability.

In other words, I did not put them on the retired list, but I gave them a square deal, and that is all I asked.

In the next Congress I introduced the bill again, got a favorable report, and got a rule for its consideration, which Hon. Philip P. Campbell, then of Kansas, kept in his pocket until Congress adjourned. This is what was known as a pocket veto. The bill was numbered 15804 and the report was No. 1284, Sixty-sixth Congress, third session. Then the Veterans' Committee was appointed and I surrendered the field to it, but have never lost interest in the subject and take great pleasure in its prospective passage.

The SPEAKER. The time of the gentleman from South Carolina has expired.

Mr. MICHENER. Mr. Speaker, I yield 10 minutes to the gentleman from Connecticut [Mr. TILSON].

Mr. TILSON. Mr. Speaker, I might well say, as the gentleman from South Carolina said when taking the floor, that he would begin where the gentleman from Tennessee left off, that I also might well begin where the gentleman from South Carolina left off. The gentleman from South Carolina described very feelingly how he found on two cots in the Walter Reed Hospital a Regular Army officer and an emergency officer. I should like to pass on with him to the next cot where we should probably find a private soldier who had left home at the same time as the other two, who had endured the same service, and who had incurred the same disability. Then I should like to make the same comparison between the emergency officer and the enlisted man that the gentleman from Tennessee so eloquently and so convincingly made as he emphasized the discriminatory features of this bill in its present form.

I am very glad to take the time that I shall use in speaking on this bill on the adoption of the rule, because one suggestion I shall make bears directly upon the proper procedure in the consideration of the bill. Rather than vote the bill up or vote it down I think the best course to pursue now is to recommit the bill to the Committee on World War Veterans' Legislation for a very thorough and drastic revision, eliminating its most glaringly discriminatory features. It is a most unpleasant duty for any of us to be forced to vote against a bill providing compensation for disabled soldiers. We have not been in the habit of doing that in this House, but on the contrary where the disabled soldier is affected we have all vied with each other in making a generous response to his needs. I say that it is a very disagreeable duty, if it should become such, for anybody to vote against reasonable compensation for disabled soldiers, and so we have voted with gladness and satisfaction for such compensation when the occasion has been presented to us.

In this instance, however, as this bill now reads, in order to vote for compensation, justifiable in some instances, we must vote for compensation which is not justified for others if measured by the same standards.

As the gentleman from Tennessee [Mr. GARRETT] so thoroughly demonstrated, this is not in any sense a retirement proposition. Retired from what? These former officers are not now in the service, and most of them have not been for about nine years. They are all in civil life again, most of them back at their old vocations. By no legitimate stretch of the imagination can this bill be called a retirement bill. It is purely and simply a disability service pension. But on what is it based? Purely on rank and nothing else. It is certainly not based on the degree of the disability suffered. Under this bill the second lieutenant suffering from a disability of 30 per cent receives

\$93.75 per month, as I am informed. The second lieutenant with a total disability receives no more, just \$93.75. Is this fair? A colonel having incurred a 30 per cent disability will be placed on the compensation roll for life at \$250 per month. He may recover his health completely, but there is no way provided in this bill for ever getting his name off the pay roll. And what about another colonel? I have one now in mind. One of the finest and most unselfish men that ever breathed, whose health was completely destroyed in the Great War, a case of total disability. Does he receive more? No; he receives just the same as the other. Can anyone justify deliberately creating such inequality? I can not.

Mr. BLACK of Texas. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. BLACK of Texas. I just want to say that the gentleman is correct in his statement that this is a compensation bill instead of a retirement bill. I received a letter from a doctor in Texas urging me to support the bill. I looked up the minority report which has been filed on this bill, and he is listed as now drawing \$16.50 per month, and will immediately draw \$187.50, according to the report that has been filed.

Mr. TILSON. Fellow Members, we can never justify this bill at the bar of equity, justice, or square dealing, and I predict now that any who vote for it out of a sincere desire to adequately compensate worthy men for disabilities incurred will have difficulty in making answer in the years to come when one of the millions of enlisted men who gave themselves just as freely to the service of their country as did their officers, who endured the same hardships and suffered the same degree of disability, comes to one of us and says, "For a disability equal in degree to my own you have given an officer \$150 or \$187.50 or \$250 per month, or perchance, if he were lucky enough to wear the star of a general, \$375 per month for life; what are we to expect in the way of compensation?" What can we say?

Mr. CONNERY. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. CONNERY. While the distinguished gentleman from Tennessee [Mr. GARRETT] and the distinguished gentleman from Connecticut are worrying about the enlisted man, why do they not bring the enlisted man up to where all of these officers are?

Mr. TILSON. A general officer, I believe, is to receive, under this bill, \$375 per month. Does the gentleman from Massachusetts undertake to say that we should place every man who served in the military or naval forces of the United States during the war and incurred a 30 per cent disability, or who hereafter may be declared to have a 30 per cent disability, on the compensation rolls for the rest of his life at \$375 per month? It would be necessary to do this if there is to be equality.

Mr. CONNERY. No; but I say that \$150 a month would be a little fairer than \$30 a month.

Mr. TILSON. There might be some difference of opinion as to what it would be practicable to do for so large a number of men, but I am willing to go with the gentleman as far as is practicable and reasonable if for equal disability we give equal compensation regardless of rank.

In the early days of this Republic, borrowed from older countries, it was the rule to make a difference between the pensions allowed to officers and to enlisted men. As our great Republic grew and we developed a policy of our own we abandoned the principle of discriminating in pensions according to rank, and after the Civil War it was entirely abandoned—and who were instrumental in its abandonment? The very officers who, having served in the Army, came to this House and served here in very great numbers. Their sense of fairness to the enlisted men who served with them and under them caused them to be in large measure responsible for giving up forever, I hope, the idea of pensions based on rank.

Mr. CONNERY. I would like to ask the gentleman another question. I was an enlisted man. I was not an officer, but an enlisted man.

Mr. TILSON. The gentleman was a good and valiant soldier whichever he happened to be.

Mr. CONNERY. I thank the gentleman.

Mr. TILSON. But in my judgment he ought not to be entitled, in case of disability, to any greater compensation if he had been a major general than what he should be entitled to as an enlisted man. This is my view of it. [Applause.]

Mr. CONNERY. Does not the gentleman believe that these emergency officers who, as everybody knows, fought the war in the trenches, should get equal justice with a man who perhaps stood on the deck of a battleship or who fought a tough war out in Kansas City and is now getting retired pay?

Mr. TILSON. The gentleman has reference, I suppose, to a few Navy and Marine officers who were retired under a rider

carried on a Navy appropriation bill which was in effect for only 15 months and was then repealed.

Mr. CONNERY. I am referring to the Regular Army and not to the emergency officers.

Mr. TILSON. The gentleman from Tennessee [Mr. GARRETT] so thoroughly explained the difference between the status of the Regular Army and the emergency officers that it needs no further explanation.

In an emergency every able-bodied man of proper age who is needed should be a soldier, every one should do his bit. It is his duty as a citizen. The Regular Army is entirely different. There is no analogy whatever between the Regular Army and the emergency officers. The conditions are entirely different and we should not confuse matters by attempting to put the Regular Army and the emergency officer on the same basis. The condition of actual war changes the situation completely, and no man, in my judgment, should have retirement privileges for having served in an emergency.

Mr. CONNERY. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. CONNERY. I have heard it said it is going to be a difficult thing to have to explain to the enlisted man why we voted for an emergency officers' bill. I think we would have a harder time explaining to the enlisted man why we give retirement to a man in the Regular Army who stayed back at Chauumont and fell off his horse and hurt his knee and deny this to a man who fought in the front-line trenches and was disabled in line of duty.

Mr. TILSON. Retirement in the Regular Army is a story that goes back into our history of maintaining an Army in time of peace. It has been found necessary, or at least those who have gone before us as legislators have thought it necessary, to have a system of retirement in order to get and keep good officers, but it should not serve as a precedent and ought not be considered even as analogous to the service of an emergency officer in time of war. [Applause.]

The SPEAKER. The time of the gentleman from Connecticut has expired.

Mr. MICHENNER. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

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

The question was taken, and the resolution was agreed to.

RETIREMENT OF OFFICERS AND FORMER OFFICERS OF THE WORLD WAR

Mr. ROY G. FITZGERALD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 777, and pending that I ask unanimous consent that the time for general debate be equally divided between the gentleman from Mississippi [Mr. RANKIN] and myself.

The SPEAKER. The gentleman from Ohio moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 777, and pending that asks unanimous consent that the time for general debate be equally divided, one-half to be controlled by himself and one-half by the gentleman from Mississippi [Mr. RANKIN]. Is there objection?

There was no objection.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. LAGUARDIA in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill which the Clerk will report.

The Clerk read as follows:

S. 777, 70th Cong., 1st sess.

An act making eligible for retirement, under certain conditions, officers and former officers of the Army, Navy, and Marine Corps of the United States, other than officers of the Regular Army, Navy, or Marine Corps, who incurred physical disability in line of duty while in the service of the United States during the World War

Be it enacted, etc., That all persons who have served as officers of the Army, Navy, or Marine Corps of the United States during the World War, other than as officers of the Regular Army, Navy, or Marine Corps, who during such service have incurred physical disability in line of duty, and who have been, or may hereafter, within one year, be, rated in accordance with law at not less than 30 per cent permanent disability by the United States Veterans' Bureau for disability resulting directly from such war service, shall, from date of receipt of application by the Director of the United States Veterans' Bureau, be placed upon, and thereafter continued on, separate retired lists, hereby created

as part of the Army, Navy, and Marine Corps of the United States, to be known as the emergency officers' retired list of the Army, Navy, or Marine Corps of the United States, respectively, with the rank held by them when discharged from their commissioned service, and shall be entitled to the same privileges as are now or may hereafter be provided for by law or regulations for officers of the Regular Army, Navy, or Marine Corps who have been retired for physical disability incurred in line of duty, and shall be entitled to all hospitalization privileges and medical treatment as are now or may hereafter be authorized by the United States Veterans' Bureau, and shall receive from date of receipt of their application retired pay at the rate of 75 per cent of the pay to which they were entitled at the time of their discharge from their commissioned service, except pay under the act of May 18, 1920: *Provided*, That all pay and allowances to which such persons or officers may be entitled under the provisions of this law shall be paid solely out of the military and naval compensation appropriation fund of the United States Veterans' Bureau, and shall be in lieu of all disability compensation benefits to such officers or persons provided in the World War veterans' act, 1924, and amendments thereto, except as otherwise authorized herein, and except as provided by the act of December 18, 1922: *Provided further*, That all persons who have served as officers of the Army, Navy, or Marine Corps of the United States during the World War, other than as officers of the Regular Army, Navy, or Marine Corps, who during such service have incurred physical disability in line of duty, and who have heretofore or may hereafter be rated less than 30 per cent and more than 10 per cent permanent disability by the United States Veterans' Bureau for disability resulting directly from such war service, shall, from date of receipt of application by the Director of the United States Veterans' Bureau, be placed upon, and thereafter continued on, the appropriate emergency officers' retired list, created by this act, with the rank held by them when discharged from their commissioned service, but without retired pay, and shall be entitled only to such compensation and other benefits as are now or may hereafter be provided by law or regulations of the United States Veterans' Bureau, together with all privileges as are now or may hereafter be provided by law or regulations for officers of the Regular Army, Navy, or Marine Corps who have been retired for physical disability incurred in line of duty: *And provided further*, That the retired list created by this act of officers of the Army shall be published annually in the Army Register, and said retired lists of officers of the Navy and Marine Corps, respectively, shall be published annually in the Navy Register.

SEC. 2. No person shall be entitled to benefits under the provisions of this act except he make application as hereinbefore provided and his application is received in the United States Veterans' Bureau within 12 months after the passage of this act: *Provided*, That the said director shall establish a register, and applications made hereunder shall be entered therein as of the actual date of receipt, in the order of receipt in the Veterans' Bureau, and such register shall be conclusive as to date of receipt of any application filed under this act. The term "World War," as used herein, is defined as including the period from April 6, 1917, to July 2, 1921.

Mr. ROY G. FITZGERALD. Mr. Chairman and gentlemen of the House, nine years of energetic action have elapsed on the part of the American Legion, composed of 90 per cent of enlisted men, to right a wrong. What is the wrong? Why, the United States Government and Congress, realizing in 1917 that this country had an emergency to meet, passed an act and invited into the Army men of mature years, men of responsibility, men who had acquired positions in life and experience which would fit them to become officers of a great emergency army. Preference was given by law in selecting officers to those who were 31 years of age and over.

EQUALITY PROMISED

Equality for all officers and enlisted men was promised in the selective service act of May, 1917. This equality has been granted to all classes of enlisted men and to eight of the nine classes of officers. The disabled emergency Army officers alone have been denied the fulfillment of this promise, made by the Congress 11 years ago.

Section 10 of the selective service act of May, 1917, provided as follows:

That all officers and enlisted men of the forces herein provided for, other than the Regular Army, shall be in all respects upon the same footing as to pay, allowances, and pensions as officers and enlisted men of corresponding grades and length of service in the Regular Army.

How that has been evaded is a matter of public scandal, which the American Legion with its overwhelming personnel of enlisted men is seeking to set right. It is not a matter of discrimination between officers and enlisted men, but a discrimination between officers where enlisted men are not concerned. All enlisted men have been treated the same.

Retirement for officers was provided originally by the act of Congress of August 3, 1861. Why? To eliminate superan-

nuated and inefficient officers in the time of the Civil War. The gentleman from Tennessee [Mr. GARRETT] has shown that he is unacquainted with and actually opposed to the settled policy of our democratic but noncommunistic country, from the Revolutionary War times down. It gives an opportunity to set this Congress right. The Republican floor leader evidently knew that the gentleman from Tennessee was in error when the latter stated on the floor of the House that it was against the policy of this country to discriminate between officers and enlisted men. This is the first open communistic and socialistic utterance that I have heard for many a long day on this floor.

Mr. DAVIS. Will the gentleman yield?

Mr. ROY G. FITZGERALD. I will.

Mr. DAVIS. Did I understand the gentleman from Ohio made reference to the gentleman from Tennessee [Mr. GARRETT]?

Mr. ROY G. FITZGERALD. To the statement he made.

Mr. DAVIS. I challenge that statement as being unjustified and unwarranted.

Mr. ROY G. FITZGERALD. I am glad to meet that challenge, and I will show how it is easily justified and absolutely warranted. The United States Army was composed of officers and enlisted men. It is necessary that the officers be chosen because of riper years, greater experience, and training. The officers are paid more. There is always a necessary discrimination. Officers have ever been chosen for responsibility because they had responsibilities; the enlisted personnel was chosen under the draft act because of their lack of responsibilities. In the World War the officers average 12 to 15 years older than the enlisted men.

Men were taken for officers who had wives and children, who had made a success in life, and who had positions of responsibility, who had already demonstrated their fitness for command.

	Number who applied for admission	Number admitted	Number commissioned
First camp, May 15, 1917.	200,000	43,000	27,341
Second camp, Aug. 29, 1917.	200,000	23,000	17,247
Third camp, December, 1917.		18,437	11,657
Total	400,000	84,437	56,245

The personnel of the third camp was made up exclusively of enlisted men already in the service.

SELECTION OF OFFICERS

Here are some extracts from a War Department memorandum of June 4, 1917, which instructed officers of the regular service on the methods they were to follow in selecting candidates for the officers' training camps. These show the emphasis placed upon age, experience, and character:

GENERAL PLAN

To provide officers for * * * the National Army the War Department has adopted the policy of commissioning all new officers of the line (Infantry, Cavalry, Field and Coast Artillery) purely on the basis of demonstrated ability after three months' observation and training in the officers' training camps. Thus the appointment of officers of the new armies will be made entirely on merit and free from all personal or other influences.

* * * Also, in connection with these camps, it is to be noted that mature and experienced men are needed to fill the higher grades (first lieutenant, captain, major, and a few lieutenant colonels).

QUALIFICATIONS

* * * In order to obtain the experienced class of men desired preference will be given to men over 31 years of age, other things being equal. Because of the anticipated large number of applications, it will probably be difficult for men under that age to qualify except in instances where the applicant has preeminent qualifications or unusual military experience.

CHARACTER OF MEN DESIRED

Since the special object of these camps is to train a body of men fitted to fill the more responsible positions of command in the new armies, every effort will be made to select men of exceptional character and proved ability in their various occupations. While it is desired to give full opportunity for all eligible citizens to apply, no man need make application whose record is not in all respects above reproach and who does not possess the fundamental characteristics necessary to inspire respect and confidence.

While on the other hand those who were called for service under the draft act to serve in the enlisted personnel of the Army were those with least responsibilities. Those were exempt who had responsibilities, and only those were taken who were foot-

loose, who had no reasonable ground for exemption. Of the 400,000 who applied for training to be made officers in the two first training camps, only 44,588 were commissioned, less than one-eighth, while of those summoned under the draft act an enormous majority were rejected because of family ties and responsibilities.

ENLISTED SITUATION DIFFERENT

The World War enlisted men were chosen for their lack of responsibility. Out of each 350 men who passed the required physical examination for service, 250 men received exemption because they had dependents, and 100 men were accepted for service through their lack of dependents. It was the desire of the Congress that the enlisted personnel be men without family obligations, and that the spirit of this desire was fulfilled is shown by the foregoing exemptions granted to those who had passed the physical examination.

EXEMPTIONS

The final report of the provost marshal general of the Army to the Secretary of War, dated July 15, 1919, shows in Table 4, page 24, that 2,780,576 men were actually inducted into the service during the World War, as compared to Table 2, page 20, of the same book, which shows that 6,964,229 men received exemption from their local boards because of dependency.

This means that for every 100 men actually inducted into the service 250 men were exempted because of dependency.

This action was in line with that portion of the selective service act which authorized the President to exempt among others the following:

Those in a status with responsibilities to persons dependent upon them for support which renders their exclusion or discharge advisable.

It is apparent from this act that Congress desired its fighting forces to be made up of men without family responsibilities. The figures quoted show that this wish was followed by the local boards.

One of the chief reasons for the difference in pay of officers and enlisted men of all armies and for all wars has been because of the difference in their ages and responsibilities. These same responsibilities continued after the emergency officers were disabled and crippled. If this difference in pay was proper when the emergency officer was well and sound, how much more necessary to continue it after he has been permanently disabled and thus prevented from earning a livelihood for the family which was dependent upon him prior to his war disability.

A FALLACY EXPOSED

Occasionally opponents state they can not see the justice in a disabled officer receiving a higher rate of compensation for his disability than a disabled enlisted man. They cite as an example of this two brothers of approximately the same age, just out of college, one attending an officers' training camp and obtaining a commission, the other enlisting and serving in the ranks. Both become equally disabled in the service. Why should one receive a higher rate of compensation for his disability than the other? This is the stock argument advanced by opponents.

There would be justice in this argument provided it were typical of the situation. It is not typical. The fundamental merits of the legislation are due to the fact that this illustration is very far from the true situation.

The officers were older than the enlisted men by an average of 12 to 15 years. They were in midcareer in civil life. A large proportion of them were married and had families dependent upon them. Many of these officers could not have accepted commissions but for the pay which they received as officers; otherwise they would not have been able to support those dependent upon them while they were in the service.

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

Mr. ROY G. FITZGERALD. Yes.

Mr. GREEN. I know that one place in the bill we are about to work a hardship on some officers.

Mr. ROY G. FITZGERALD. That is another mistake.

Mr. GREEN. In other words, some of them get \$100 a month now, and under this new retirement they will get only \$93.75 a month. I would like to see that corrected.

Mr. ROY G. FITZGERALD. The gentleman from Connecticut [Mr. TILSON] made a mistake. In the first place, no one need come under this bill unless he chooses.

Mr. GREEN. He can remain at the hundred dollars under the other, if he desires?

Mr. ROY G. FITZGERALD. Yes; but a second lieutenant under this retirement bill will not get merely \$100. He will get \$106 and something, because he will be retired under the pay act which was in force at the time that he was injured and disabled.

Mr. GREEN. Then he can retain his hundred dollars and get that instead of having to take \$93.75?

Mr. ROY G. FITZGERALD. And get all of the benefits of this act, and he will get more than \$106 instead of \$93.75, as suggested by the gentleman from Connecticut. It has been suggested that the idea that we must treat officers and enlisted men alike is communistic. When we go into court on a claim for personal injury, suppose the plaintiff be a workman in a factory or a man employed on the street, and he has been injured, do we treat them all alike? Why no. The very first thing that is inquired into when the damages are to be determined is what was the plaintiff's earning power at the time of the injury. It is the earning power of the individual in this great democracy of ours that has not yet been degraded into a communism.

We say that we will compensate the man in proportion to his loss, and we promised by the law of this country that we would treat these emergency officers as we treated the officers of the Regular Army. It has been the accepted policy of this country from the beginning to accept the rank of the officer in the Army as a guide as to what should be paid him for compensation in the case of a pension.

Mr. ABERNETHY. And how many of these emergency officers are there?

Mr. ROY G. FITZGERALD. About 3,397.

Mr. ABERNETHY. And what will be the cost to the Government?

Mr. ROY G. FITZGERALD. Two million two hundred and ninety-four thousand dollars a year, rapidly diminishing because of the high death rate; 122 died last year.

Mr. ABERNETHY. And that is all that is involved?

Mr. ROY G. FITZGERALD. Yes. We are not taking a cent from any enlisted man. There is no discrimination. I would like to have some of those who are so interested in the enlisted man try to do something for the enlisted man here in this House. There is plenty of opportunity for them to do something constructive.

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

Mr. ROY G. FITZGERALD. Yes.

Mr. NEWTON. In reference to this question of cost, the gentlemen's estimate, I believe, is based on those emergency officers who now are on the rolls at 30 per cent permanent disability, but the bill provides for those who have that rating within one year after the passage of the act. Has the gentleman made any estimate as to those who have approximately 30 per cent disability, who may come within the provisions of the act?

Mr. ROY G. FITZGERALD. No; except that I know that 122 of them died last year waiting justice and the fulfillment of the obligation of the law by this House. There is very little likelihood that those who are temporarily disabled 30 per cent or more who will be put on permanent rating, and I think they would be entitled to it if they are, within the next year will equal the number that will die before we get this law under operation.

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

Mr. ROY G. FITZGERALD. Yes.

Mr. CROWTHER. The gentleman said that he wished some of the Members who are so concerned about the enlisted men would try to do something for these men.

Mr. ROY G. FITZGERALD. Yes.

Mr. CROWTHER. I think the gentleman from Ohio has had the same experience that I have had, and that every other Member of the House has had, in respect to the tremendous difficulties we face in trying to do something for the men who are really deserving of something in the line of compensation, by reason of the hard-boiled decisions of the medical board and the board of appeals and the various other organizations connected with the Veterans' Bureau, and the difficulty of proving the illness is of service origin. The fact is that many of our boys came home from service determined to show some degree of courage, and did not want to ask Uncle Sam for any support, did not consult a doctor when they were really in bad shape. When they finally were compelled to make their applications for compensation when they were finally forced to demand something the board then said, "There is no record of medical attendance upon the applicant between the date of his discharge and the date of filing his application." We all would like to do something for some of these enlisted men. I shall probably vote for this bill, but I say to you I think it is extremely unfair in some of its provisions. I know of an officer, a professional man, who suffered a shrapnel wound in his shoulder blade. It does not hinder his earning capacity so far as his profession is concerned. He is now getting \$30 a month. Under this bill he will get

\$125 a month for life. Right around the corner is a little fellow who was so crippled in the service that he can hardly perform manual labor of any description. All he gets is \$35 a month compensation, and that is all that he will get so long as he lives under the present law.

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

Mr. ROY G. FITZGERALD. Yes.

Mr. SCHAFER. Does not the gentleman think that the gentleman from New York [Mr. CROWTHER] is rather severe in his indictment of the Veterans' Bureau boards requiring evidence, when it is because of the laws that Congress has passed that certain evidence is required before the Veterans' Bureau can make a favorable adjudication? When Congress has failed to liberalize those laws, and the specific provisions of the law require certain evidence before compensation can be paid, I do not believe that any Member of Congress should come on the floor and hurl a general indictment at the medical boards of the Veterans' Bureau.

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

Mr. ROY G. FITZGERALD. No. I shall answer the gentleman. The gentleman from Wisconsin [Mr. SCHAFER] has had too much experience with the Veterans' Bureau not to know that he has had to devote hours and hours and days and nights and weeks of his time in getting justice for the boys from Wisconsin. He knows what I have done, and he knows how difficult it sometimes is to enlist sympathy from these men in the Veterans' Bureau. The bureau is inclined to construe the laws strictly and perhaps they feel that they must.

Mr. SCHAFER. And the gentleman from Wisconsin knows that each case presents great and involved problems, and that the boards can not allow compensation in a great many worthy cases because of limitations written into the law by Congress. When Congress enacts specific laws requiring certain medical evidence before compensation can be paid, no one, particularly Members of Congress, should condemn the bureau boards for requiring such evidence before compensation is paid.

Mr. KEARNS. Mr. Chairman, will the gentleman yield for one short question?

Mr. ROY G. FITZGERALD. Certainly.

Mr. KEARNS. I have often thought about it and wondered why we do not put into this bill the emergency Spanish-American War officers.

Mr. ROY G. FITZGERALD. One reason is because our World War Veterans' Committee here has no jurisdiction over that. I would be glad to do it otherwise, if it is desired by the veteran officers of the Spanish War. Another reason is that the United Spanish-American War matters are handled by their own association, and their representative in Washington is ex-Senator Means. I understand that he is opposed to having them included, not regarding it as beneficial.

Mr. KEARNS. Is he opposed to your bill?

Mr. ROY G. FITZGERALD. No. Every patriotic organization in the United States is in favor of this bill. We have 11,000 posts of the American Legion, or 13,000 with the auxiliary, and we have, as I said, the support of the Disabled Veterans of the World War. Ninety per cent of them are enlisted men.

Mr. KEARNS. Do you tell me that the committee, if it wanted to, could not include the wounded emergency officers of the Spanish-American War; that they would like to, but could not do it?

Mr. ROY G. FITZGERALD. It could not do it under our committee's jurisdiction. If you will introduce a bill for the Spanish-American War veterans, I will back you in every constructive measure you may introduce in their behalf. I would like to back you in any measure you would favor in their behalf.

Mr. KEARNS. I am opposed to all of them, but if this becomes a law I can not see why the Spanish-American wounded veterans should not be included.

Mr. ROY G. FITZGERALD. I am trying to induce this House to fulfill its legal obligations to these men who relied upon the promise made to them that they were to be treated without discrimination.

Mr. KEARNS. I would not introduce a bill of that kind, because I am opposed to all of them.

Mr. ROY G. FITZGERALD. We are trying to destroy the discrimination now existing between the officers of the Regular Establishment and the emergency officers who were promised the same treatment in this regard. There are only five West Point officers who have been retired for battle casualties of the hundreds and hundreds of officers retired since the war. There are 123 emergency officer battle casualties to 1 of the West Point officers.

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

Mr. ROY G. FITZGERALD. Yes.

Mr. CRISP. I understand this same recognition has been conferred upon disabled emergency officers of the Navy and Marine Corps.

Mr. ROY G. FITZGERALD. Yes; and they had 15 months to come in under it; and we are now opening the door to let them come in for another year.

Mr. CRISP. The gentleman says there is discrimination between the Navy and Marine Corps on the one hand and the emergency Army officers on the other?

Mr. ROY G. FITZGERALD. Yes. There is discrimination. These disabled emergency Army officers constitute 93 per cent of our officer battle deaths during the war. These emergency officers furnished 90 per cent of our combat officers during the war.

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

Mr. ROY G. FITZGERALD. Yes.

Mr. CHALMERS. I wanted to remark, Mr. Chairman, concerning this controversy between the gentleman from Ohio and the gentleman from New York [Mr. CROWTHER] that if you can bring into the House a measure that will liberalize the medical administration of the Veterans' Bureau I would like to support such a measure. [Applause.]

Mr. RANKIN. Mr. Chairman, I yield 45 minutes to the gentleman from Nebraska [Mr. SIMMONS.]

The CHAIRMAN. The gentleman from Nebraska is recognized for 45 minutes.

Mr. SIMMONS. Mr. Chairman, I have prepared a statement on this bill which will take to read at least a large part of the time that has been granted to me in the debate, and I therefore request that I be not asked to yield until I have finished that which I have prepared; and then, if any time remains after that, I shall be glad to answer any questions that Members of the House may wish to ask.

The so-called disabled emergency officers bill has been before Congress in some form every session since the war. During the six years that I have been a member of this body it has been pending before the World War Veterans' Legislation Committee. It is proper that we review its lack of progress during those six years.

In the Sixty-eighth Congress I was a member of the Veterans' Committee. Before coming to Congress I had been adjutant of my home American Legion post and later was department commander of the American Legion for Nebraska. I know the organization. I believe firmly in the high ideals on which it is founded. I believed that the American Legion would sponsor no legislation that violated those ideals. I had read the propaganda that had been sent out from Washington about this bill. I believed, without more investigation, that the facts stated about the bill were true, that the bill did what its sponsors said it did and I believed the statements and arguments made in its favor. None had been made against it. I was a member of a subcommittee of four that reported favorably to the World War Veterans' Committee on this bill. I then started out to see if we could not secure its passage. I found first that there was not a unanimous opinion in favor of the bill, although the committee seemed to be for it. I asked the reasons for the opposition.

I studied the bill, its history, the history of other bills, and finally reached the conclusion that the bill was wrong in principle, that its proponents among the service men had been misled by erroneous statements of fact, that it created a series of unjustified discriminations, that the emergency officers themselves had been misinformed as to its effects, and as to the status of fellow officers, and finally that the bill should be defeated. Having reached that conclusion, I advised the American Legion men of my State, and on April 6, 1926, addressed the House in opposition to this bill. Of the four men who signed the subcommittee report in the Sixty-eighth Congress for this bill, two are on the floor now working and will be voting against it. I refer to Mr. MILLIGAN of Missouri and myself.

What has happened in that committee during these years? The bill was reported to the Sixty-eighth Congress without a minority report. In the Sixty-ninth Congress four World War veterans signed a minority report against it. The bill is before Congress to-day by a vote of 8 to 7 from that committee, and the chairman of that committee, Mr. ROYAL JOHNSON, of South Dakota, himself a distinguished World War emergency officer, refusing to sponsor it in its present form and favoring many amendments.

I stated two years ago, and now repeat that—

The men who organized the Legion with far-sighted purpose declared that the Legion would be all-inclusive, representing the officer and enlisted man; the disabled and the overseas veterans stood side by side with a buddy whose duty kept him in the United States—all were

comrades—binding themselves in an organization all for one, one for all, in the continued service of God and country. The American Legion fought the battles of the service men in the organization of the Veterans' Bureau, the establishment of hospitals, the passage of liberal compensation laws, based on service-connected disability, the passage of the adjusted compensation act, and much other beneficial legislation. Throughout it all the Legion made no distinction and asked that none be made between the service men of America. The Legion kept its determination that there would be no distinction or discrimination on account of rank among the veterans.

This bill is the only legislation that the Legion has advocated contrary to that policy; it is the only legislation that Congress has repeatedly refused to approve.

Many Members of Congress, relying on statements made by veterans' organizations, and without further investigation, have promised to vote for this bill. It becomes important then to consider the arguments advanced for the bill. If they are shown to be erroneous and untrue, then Members who have promised to support, in reliance upon those statements, should consider themselves free to vote their convictions on this legislation.

Let us consider, then, the arguments advanced by the committee's report for the bill.

The committee in charge of this bill over the objections of 7 out of 15 members refused to hold hearings on it. It is before the House, then, without testimony or printed hearings.

No departmental report is available on it. Those of us who wanted to know facts about it have been compelled to do our own investigating and secure our own information. What we have been able to secure we believe to be accurate and true. If it is not, the fault lies with the committee that refused to investigate the bill fully and refused to furnish the Congress with full information on it.

One of the reasons given for the passage of this bill is that—I quote from the report of the World War Veterans' Committee on H. R. 500 filed March 29, 1928:

There were nine classes of officers who fought in the World War. These were the regular officers of the Army, Navy, and Marine Corps; the provisional officers of the Army, Navy, and Marine Corps; and the emergency officers of the Army, Navy, and Marine Corps. Eight of these nine classes have been heretofore retired by the Congress for wounds and disabilities incurred in line of duty. The only officers for whom the Congress has failed to provide retirement are the disabled emergency Army officers.

Again:

Retirement should be extended to the disabled emergency Army officers of the World War, as these officers, out of the nine classes, are the only ones which the Congress has discriminated against.

Those statements are not true. The proponents of this measure hope by constant reiteration to make them true. And they were succeeding fairly well until the Senate passed S. 777 which included 201 disabled emergency officers of the Navy and Marine Corps. Then the same committee comes back and blandly "points out that the Senate act—S. 777—includes those disabled emergency officers of the Navy and Marine Corps, 201 in number, who did not obtain retirement under the act of June 4, 1920."

Then, without blushing, they go ahead and incorporate their report on H. R. 500, which again states that only the Army officer has not been retired. What are the facts? In the naval appropriation act of 1920 authority was given to retire the emergency officers then in the service the same as regular officers were retired. In the next bill for 1921 that act was amended so that only those applying up to October 1, 1921, should be benefited by it. During that year 284 men were retired. With the exception of those men who were then in the service, Congress has not retired the emergency officer of the Navy and Marine Corps. The Veterans' Committee admits it now by accepting Senate amendments that do retire them. There were on September 30, 1927, 565 emergency naval officers and 77 emergency marine officers drawing compensation from the Veterans' Bureau for war disabilities who were not retired, and of that number more than one-half of them will continue to draw compensation the same as enlisted men, even should this bill become a law. So it is now admitted by the Senate and by the committee handling this bill in the House that the statement that only the emergency officers of the Army have not been retired is not true. May I point out to you further this very important distinction between the Navy and marine officer who has been retired and the emergency Army officer?

The Navy and marine men who were retired under the act of June 4, 1920, were men in the service at the time of their retirement. I quote Secretary of the Navy Wilbur:

All temporary and reserve officers retired under the general laws affecting those classes were either in the service at the time of retirement or retirement proceedings had been instituted prior to their separation from the service. With reference to the reserve force several officers were retired who had been relieved from active service but whose enrollment in the reserve had not terminated.

So that this fact now is clear—only those emergency officers in the Navy and Marine Corps when the act of June 4, 1920, was passed have been retired. Emergency officers of the Army, Navy, and Marine Corps who were discharged from the service have not been retired, and have not been given greater compensation than their comrades in the service. The emergency Army officer for whom this bill was drawn, for whom the propaganda has been sent out that they were the only emergency officers out of nine groups not retired, were discharged from the service. Those Navy and marine officers who were discharged from the service draw now, and have been drawing exactly the same compensation that the discharged emergency Army officer draws. All three classes of discharged emergency officers, to wit, Army, Navy, and Marine Corps have been treated exactly alike.

The statement, then, that only the emergency officer of the Army has not been given retirement is disproved by the record, by the statement of the Secretary of the Navy, and by the bill now under consideration, which specifically covers all three classes—the report showing that it covers 201 naval and marine officers. That argument then fails when the facts are known.

Again reference is made to General Orders, No. 75, of the War Department, August 17, 1918. The quotation made in the report is from General Order No. 73, dated August 7, 1918, but that is as accurate as are many statements in the report.

The report sets out the first two paragraphs of the order. There are six paragraphs of the order, and I am at a loss to know why the entire order was not set out, unless the reason is that to have done so would have shown that the intent and purpose of that order was entirely different from that which the proponents of this measure would have you infer from the part that is quoted.

The entire order is as follows:

(General Orders, No. 73)

WAR DEPARTMENT,

Washington, August 7, 1918.

1. This country has but one Army—the United States Army. It includes all the land forces in the service of the United States. Those forces, however raised, lose their identity in that of the United States Army. Distinctive appellations, such as the Regular Army, Reserve Corps, National Guard, and National Army, heretofore employed in administration and command, will be discontinued, and the single term, the United States Army, will be exclusively used.

2. Orders having reference to the United States Army as divided into separate and component forces of distinct origin, or assuming or contemplating such a division, are to that extent revoked.

3. The insignia now prescribed for the Regular Army shall hereafter be worn by the United States Army.

4. All effective commissions purporting to be, and described therein as, commissions in the Regular Army, National Guard, National Army, or the Reserve Corps, shall hereafter be held to be, and regarded as, commissions in the United States Army—permanent, provisional, or temporary, as fixed by the conditions of their issue; and all such commissions are hereby amended accordingly. Hereafter during the period of the existing emergency all commissions of officers shall be in the United States Army and in Staff Corps, departments, and arms of the service thereof, and shall, as the law may provide, be permanent for a term, or for the period of the emergency. And hereafter during the period of the existing emergency provisional and temporary appointments in the grade of second lieutenant and temporary promotions in the Regular Army and appointments in the Reserve Corps will be discontinued.

5. While the number of commissions in each grade and in each staff corps, department, and arm of the service shall be kept within the limits fixed by law, officers shall be assigned without reference to the term of their commissions solely in the interest of the service; and officers and enlisted men will be transferred from one organization to another as the interests of the service may require.

6. Except as otherwise provided by law, promotion in the United States Army shall be by selection. Permanent promotions in the Regular Army will continue to be made as prescribed by law.

By order of the Secretary of War:

PEYTON C. MARCH,
General, Chief of Staff.

Official:

H. P. McCAIN,
The Adjutant General.

It will be noted that the purpose of the order was to wipe out the "distinctive appellations" of "Regular Army, Reserve

Corps, National Guard, and National Army" and to substitute in lieu thereof the term "the United States Army."

Orders referring to the "origin" of "component forces" were revoked. The insignia of the Regular Army was to be worn by all.

The inference of the report is that the distinction between the Regular and emergency officers was abolished by this order, paragraph 4, which is not copied in the report, but which I set out herein shows that it was the different forces that were merged and that commissions in the Regular Army, National Guard, National Army, and Reserve Corps were to be regarded as commissions in the—

United States Army—permanent, provisional, or temporary as fixed by the conditions of their issue.

Note, then, that this General Order 73 not only did not wipe out the distinction between the Regular and emergency officer, but it distinctly pointed out and restated those distinctions. Again paragraph 4 provides that—

commissions of officers * * * shall as the law may provide, be permanent for a term or for the period of the emergency.

Paragraph 5 shows that the purpose of the order was to make the administration and the movement of troops easier.

Paragraph 6 states that—

Permanent promotions in the Regular Army will continue to be made as prescribed by law.

Why did not the proponents of this measure who drafted the report set out the order in full? The answer is obvious. To have done so would have been to have disproved the thing they wanted to prove.

The "amplification" of the selective service act to which the report refers by this order shows that the War Department considered and maintained the distinction between the regular and emergency officer, and sought by that order only to wipe out the different "component forces" for administrative reasons only.

The analysis I have made of this general order is sustained by the War Department. I wrote the Secretary of War asking the reasons for the issuance of the order. He has replied that:

This order was issued during the existence of a great national emergency and with the apparent underlying idea of the simplification of administrative details, particularly those relative to the classification, assignment, and promotion of personnel.

I am sure that you must realize the vast amount of detail incident to the administration of an army of several million men and how greatly this work was increased by the necessity for segregating the records of the several distinct categories of personnel.

The records of the War Department indicate that the results attained by the order, from an efficiency standpoint, fully justify its issuance.

So the argument that the War Department recognized the basis of this bill and favored it by that order fails when the full facts are shown.

Again the claim is made in the report that the war Congress intended to do this thing for the emergency officer, but was unable to express itself clearly, and therefore failed. That statement is coupled with the statement that—

Retirement based upon earning capacity is the only fair standard of recompense. It is the measure of damage in the courts of law and it is the standard by which injured workmen are recompensed in civil life.

Fortunately we are able to determine from the RECORD just what Congress intended to do. An examination of the CONGRESSIONAL RECORD shows that the war Congress not only did not intend to give these benefits to the emergency officer but also specifically refused to apply the principle of compensation based on earning capacity to the soldiers who came to their country's service.

Reference is made to the CONGRESSIONAL RECORD, volume 55, part 7, first session, Sixty-fifth Congress. The date is September, 1917. The matter under consideration was the war risk insurance act. The administration had had a bill prepared. It was reported by the Committee on Interstate and Foreign Commerce. The bill as reported provided for compensation for death or disability of the commissioned officer and enlisted man. It provided—page 6751—that in the event of death of a soldier, commissioned or enlisted, that the widow should receive compensation based on a percentage of the soldier's pay, but not less than certain amounts. It further provided that in the event of disability of the soldier, commissioned or enlisted, the compensation should be based on a percentage of his pay. The bill became the subject of debate for days. It was pointed out that the bill discriminated against the enlisted men and in favor of the officers and their widows and dependents. The gentleman from

Alabama [Mr. HUDDLESTON] and the gentleman from Texas [Mr. BLACK] discussed the matter at length.

On page 7061 is the amendment offered by Mr. BLACK, now a Member of this body, who may and will correct me if I am in error. The amendment placed all widows' allowances on an equality. He pointed out—page 7073—that the purpose of his amendments was to—

remove distinction and discrimination from the benefits conferred by the bill.

He illustrated repeatedly that officers and their dependents would receive more than enlisted men and their dependents under the bill as drafted by the committee. Members of this House should read his speech at that time.

On page 7075 Mr. Alexander stated that the bill was—

framed on the theory of compensation for services and is based on the pay received by the commissioned officers and enlisted men.

Mr. McKenzie, whom many now in the House will remember, then spoke—page 7076—and stated, among other things, that—

It is true that these officers should get more pay when in the service, but when this war is over the thousands of them that we are now making officers of and giving commissions to will go back home and become private citizens again. * * * The wife and children of an officer have no more rights than the wife and children of the private. This provision in this proposed law is in contravention of the very principles for which these boys are going forth to fight.

If you want to destroy the morale of this great American Army that we are building, if you want to bring dissatisfaction into millions of homes in this country, stand by the committee report. But if you want to be true Americans, if you want to stand by that equality upon which our country was founded * * * vote for the amendment offered by the gentleman from Texas. Let us serve notice on all the world that this is a democracy, where we treat our citizens alike.

[Applause.]

The question was there put, and Mr. BLACK's amendment, wiping out all distinctions between widows and children of officers and men, was carried on a division by a vote of 139 to 3. [Applause.]

The next section dealt with disability compensation as this bill we are now considering does. It proposed compensation based on pay and gave an officer greater disability compensation than the enlisted men could receive. Mr. BLACK offered an amendment—page 7077—striking out the percentage of pay provisions and making all pay the same for the same disability to all soldiers—officers and enlisted. He stated—

the amendment I have offered cuts out percentages paid to the men so that there will be no distinctions and discriminations in the benefits paid to the officers and privates for the same class of injuries.

Mr. Campbell, of Kansas, spoke in approval of the amendment. The amendment was carried without a division.

Mr. Edward Keating, then a Member from Colorado, was active in the debate. He extended his remarks on this bill, and among other things stated—

the House, by what was practically a unanimous vote, decided that, so far as pensions are concerned, officers and privates, or their dependents, should be placed on an exact equality. Ours is an army of democracy, and at the very threshold of the great struggle we should do what we can to wipe out class distinctions.

These speeches clearly show what the war Congress intended. Congressman Edward C. Little, of Kansas, a distinguished soldier in the war with Spain, charged that—

the bill was drawn by men in touch with officers, and with officers only.

He vigorously attacked the insurance features of the bill, as did many others, because of the fear that it would give officers more insurance than enlisted men.

In the Senate Senator Smoot, speaking on these provisions, stated—

we ought to see that the provisions of the bill are such that there will be no discriminations between soldiers and officers.

All ought to stand on the same footing. (CONGRESSIONAL RECORD, p. 7738, October 4, 1917.)

The RECORD then clearly shows that the war Congress not only did not intend to give the disabled emergency officer more compensation than the enlisted man but that it specifically and almost unanimously refused to do so and rejected the basis of this bill that compensation should be based on the salary of the soldier.

Millions of men served America under those provisions. Those disabled have since been compensated under that law. Why now depart from it for the benefit of a few of the many who served?

Secretary of War Weeks, when discussing this very proposition, said:

It should also be remembered that the law relating to compensation for emergency personnel, which was enacted before the emergency officers accepted their commissions, makes no distinction between commissioned officers and enlisted men of the emergency forces as to disability compensation. The commissioned officers understood these conditions when they accepted their commissions, and as a matter of fact they were apparently glad to accept them under these conditions. Most of them, especially the junior officers, were subject to the draft and many of them would have been drafted as enlisted men had they not volunteered and qualified as commissioned officers. It is, then, a question about which I have in my mind a great deal of doubt as to whether any distinction should be made in regard to benefits that should be given to the temporary commissioned officers from that which is given to the temporary enlisted men. Certainly, it was perfectly clear in the minds of Congress when it enacted the laws that there should be no distinction.

The report says—

thus by the terms of the selective draft act the contractual rights of the emergency officers were based upon those of the Regular Army officers.

Those of us who have opposed this bill have not relied upon the contractual basis for our opposition. Its proponents have seen fit to argue that the Government is under a contract to pay this increased compensation to these men. Both the law and the facts disprove their claim. Congress very plainly intended that there should be no distinction between the emergency officer and the emergency enlisted man so far as compensation for death or disability was concerned.

It has not been my desire to place this on a contract basis, but since the proponents of this measure have charged that the Government has and is violating its contract, no one should criticize us for determining the facts. The contract between the United States and the emergency officer was that the emergency officer should receive disability compensation on the same basis as the enlisted men. The "officers understood those conditions when they accepted their commissions" and accepted subject to that condition. The United States has not only fully complied with its part of that agreement but has from time to time increased the benefits payable to the emergency officers.

The proponents of this measure now demand that the contract be broken on the part of the emergency officer and at the same time make the baseless charge that the Government is breaking its contract.

Again the report states—

the congressional policy of retiring our disabled officers is therefore well established.

The Adjutant General of the Army states that many bills have been introduced in both Houses of Congress at different times authorizing the appointment on the retired list of the Army of those officers who served in the volunteer army in the Civil War, but none of them has ever been enacted into law. Likewise, he advises me that no legislation of this character has ever been passed for the benefit of the emergency officers who fought during the war with Spain.

Admittedly no such legislation has passed for the emergency officers of the World War, save the naval riders to which I have referred, under which less than 300 men were retired, men not on the same status as those referred to in this bill. Why, then, this difference between the committee's report and The Adjutant General? The reason is that this bill is called a retirement bill in order that something like a parallel case might be set up to that of the Regular officer who is retired and in order that the prejudice which the proponents of this bill try to create against the Regular officer might be exploited to the benefit of the emergency officer.

The proponents of the measure have taken all the advantages that can be taken of that argument, and now, in order to find a precedent for this bill, cite not retirement acts but service pension acts. The service pension acts, to which reference is made, have long since been superseded by Congress through the enactment of pension legislation, giving equal pension to all, and to-day the men of the Civil and Spanish-American Wars are all pensioned on the same basis as the men of the emergency establishment are all compensated on the same basis—that of their disability, and not on the basis of rank.

The retirement of an officer means his withdrawal from active service. You can not retire the men that this bill seeks to benefit, for they have already been discharged—their connection with the service ended. The bill then is not a retirement bill, but a compensation bill, whose sole purpose is to compensate a small group of officers not on the basis of their disability, but

their rank—and as such creates the bitterest kind of discrimination.

The report states that the bill benefits 3,251 emergency officers. There were on March 31, 1928, 10,269 emergency officers drawing disability compensation, some of them with a far more serious disability than those whom this bill benefits. Why discriminate between these officers?

There are 243,028 enlisted men drawing disability compensation, of whom 69,386 are permanently disabled 30 per cent or more. Why discriminate against them? Did they not also serve?

The bill holds out hope of additional compensation to 7,000 disabled emergency officers. It holds out no hope to disabled enlisted men.

To sum up, it brings benefits to 3,297 out of the 253,297 now receiving compensation from the Veterans' Bureau.

Members have been told that this bill is of minor importance. The precedent sought to be established here is of great moment.

Disability pension bills are pending before Congress. Within a few years the first of them will be pressing for consideration, and then will come the general pension bill. When that time comes, are they to be based, as pension laws now are, on an equality, or will they be based on rank?

The Congress in this bill, if it passes, will set the precedent for pensions based on rank. If the Congress can not resist this measure, what hope is there that pension laws based on rank will not pass? There were 243,981 emergency officers in the three services during the World War. This bill, if it becomes a law, will bind the Congress to pensions based on rank—and that is the basic issue involved. So that when you vote for this bill you are voting to commit the Congress to a pension policy based on rank, and as such are dealing with a quarter of a million officers.

Again the statement is made in the report that—

The Congress has continued its established policy of retiring emergency officers of the Navy and Marine Corps by enacting in 1922, 1923, 1924, and 1925 private laws providing retirement for naval and Marine Corps officers who had not availed themselves of the benefits of the act of June 4, 1920.

The plain inference of that statement is that the Congress since 1921 has continued to grant retirement privileges to all naval and marine officers needing retirement. What are the facts?

In addition to the men retired as above stated under the act of June 4, 1920—

one temporary officer and four reserve officers of the Navy have been retired by special act of Congress.

The quotation is from a letter of the Secretary of the Navy dated May 3, 1928.

Why should not those who reported this bill tell the truth about it? The answer is that they have not investigated it and so do not know the facts. The bill should be sent back to the committee for hearings, full and complete hearings.

The bill provides that all persons who can meet the following four conditions shall come within its provisions:

First. They must have served as officers of the Army, Navy, or Marine Corps during the war.

Second. During such service they must have incurred physical disability in line of duty.

Third. Either now have or within one year have been rated at 30 per cent permanently disabled.

Fourth. Apply for the benefits of the act within one year.

These are the conditions; any emergency officer who can meet those conditions will be entitled to the benefits of the bill. What does it mean?

I pointed out to the Rules Committee and again on the floor of the House on March 30, 1928, that this bill in its present form did not exempt dishonorably discharged officers from its benefits, and that there was little doubt that in the absence of that inhibition that dishonorably discharged officers would be entitled to its benefits.

That opinion is supported by a brief which I have here for inspection by Members who care to see it. I am not going to insert it in the RECORD.

Section 23 of the World War veterans' act provides that—

The discharge or dismissal of any person from the military or naval forces on the ground that he was guilty of mutiny, treason, spying, or any offense involving moral turpitude, or willful and persistent misconduct, of which he was found guilty by a court-martial, or that he was an alien, conscientious objector who refused to perform military duty or refused to wear the uniform, or a deserter, shall bar all rights to any compensation under Title II, or any training, or any maintenance and support allowance under Title IV.

There is no such limitation in this bill. There should be such a limitation. Certainly the officer who is guilty of these offenses should not be compensated. If it were necessary to make that exception for all service men, then it is common sense to make it for these officers. And yet after it has been called to the attention of the proponents of this measure, word has gone out from Washington that Congressmen must be urged to pass this bill "without amendment." Many Members have received such letters.

Why are you urged to do that? The men and women at home do not approve of the dishonorably discharged officers receiving these benefits. They have been told to send in these letters.

Will the veterans' organizations approve their Representatives here urging them to ask for this legislation which by any chance could benefit those who have dishonored the service? I do not believe they will; neither do I believe that the service men at home, when they know the facts, will censure Members for voting to perfect this bill. My judgment is that when the service men at home do know the truth about this bill they will approve those who favor changes in and defeat of it.

This bill benefits only the emergency officer who is living, his wife, and children. But what of the officer dead, his widow and orphan? There are 2,151 widows and 2,257 children of emergency officers drawing compensation by reason of the death of the husband and father. Congress has said that they should receive the same compensation as the widow and orphan of an enlisted man, just as Congress has said that the emergency officer should receive the same compensation as an enlisted man. The widow and orphan of an officer killed in battle are left by this bill in their present status; they have lost not only the comfort and care of the husband and father but his earnings and support as well. They have given absolutely everything and get nothing by this bill. Those still living and still able to earn demand for themselves a great increase of pay, leaving the widow and orphan of a brother officer killed in battle without increased benefits. Is the officer living so much better than the officer dead that the Congress must aid the one and not the other?

This is the worst discrimination of all the unjustified discriminations in this bill. It has been called to the attention of the proponents of the measure. Their answer is given in the report that—

the existing law which cares for these dependents is in no wise changed by this act.

In other words, they say to the widow and orphan, "We are not interested in you and yours; your husband and father is dead; he is no longer here to fight for you nor to care for you. You take what the Government promised him it would give you. We are not willing to do that. We are going to get more than that for ourselves and can't be bothered with you."

This sentiment will be denied; but the cold, naked truth remains that that is just what this bill does and does not do for the emergency officer who served and came back and lives, and the emergency officer who served and did not come back and does not live.

The reason for the retirement of the Regular officer is well set out in the minority report. I quote, as they do, Secretary of War Lindley M. Garrison:

The privileges of the retired list of the Regular Army constitute a consideration granted by the Government for the consecration of lives to its military service and the volunteering for life for such service in any exigencies that may arise, whether in peace or war. The military relation requires the officer to give up ambitions which are the rightful portion of every man in the great world outside, and for a measure of compensation which does not exceed what is barely sufficient to maintain himself and family in the status which the military service demands; and the law has said that when he serves a prescribed period of time, or has reached a certain age, or is disabled by injury or disease incident to the service, he must withdraw from active service and give way to a younger man better fitted for the rigors of military life. As the officer has not been trained for a business career or for any career in civil life he finds himself at the end of his service, certainly in the vast majority of cases, not only without a profession but without a competency.

Congress has thus far restricted the privilege of retirement to members of the permanent Military Establishment; that is, to those only who have consecrated their lives to the military service. This is true not alone of the officers but of the enlisted man, who may retire only when he has served a sufficient time to indicate that he has adopted the military service as a life career. To those who have thus pledged their services for life to the Nation, in peace or in war, Congress, as a matter of keeping faith with them, has provided by law that they shall be secure in their calling throughout their lives, and when they have performed what is deemed a life service shall be relieved of some

of the active duties of service and be permitted a living pay for the remainder of their lives.

The statement has been made by proponents of this bill that its purpose is to give to the emergency officer the same rights and privileges as are had by the Regular officer. But this bill discriminates against the Regular officer and gives the emergency officer decided advantages not now had by the Regular officer in at least two material ways.

First. The Regular Army officer retired for disability during the World War was retired at the permanent lower rank and not at the higher emergency rank to which he had been temporarily promoted during the war. The emergency officer, on the other hand, having only an emergency rank, will be under this bill retired at his emergency rank, thus giving a decided advantage to the emergency officer over the Regular officer.

Second. The retired Regular officer is still in the service; he is subject to military discipline and court-martial; he may be recalled to duty with his consent in time of peace, or at the discretion of the President in time of war. It is a well-known fact that hundreds of retired officers were placed on active duty during the World War. The Regular officer who is retired is then subject to a very binding military obligation. The emergency officer, whom this bill benefits, is out of the service, and while receiving more benefits under this law than the Regular officer is not subject to any military obligations.

Under this bill emergency officers once placed on this list are there for life, receiving all the benefits and subject to none of the obligations of retirement. They may entirely recover and still continue to draw this pension.

And may I point out here that in itself creates one of the rankest discriminations that this bill sets up. At the present time a soldier may have a rating in the Veterans' Bureau of permanent and total disability, but that rating may be changed and entirely taken away from him if the facts justify. But under this bill the officer who squeezes out a rating of 30 per cent permanent and gets on this list is there for life, without regard to what his health later on may be. He may entirely recover but his compensation will go on. On the last figures there were 10,269 disabled emergency officers; this bill benefits but 3,297 of them. It gives the right of retirement only to that emergency officer whose disability is 30 per cent or more permanent. The officer whose disability is but 29 per cent permanent receives no benefit. The emergency officer whose disability is 100 per cent temporary receives no benefit. So that the bill creates at once a discrimination between the emergency officers themselves. If this bill were to become a law, a brigadier general with a 30 per cent disability would receive \$4,500 a year; a colonel, \$3,000; lieutenant colonel, \$2,625 a year; a major, \$2,250 a year; captain, \$1,800 a year; first lieutenant, \$1,500 a year; second lieutenant, \$1,125 a year; and the enlisted man from sergeant major to buck private would receive \$360 a year. A study of these figures will indicate the very evident injustice of the bill.

This bill benefits 3,297 emergency officers; it gives no benefits to 7,000 additional emergency officers, many of whom are disabled more than those benefited. This bill benefits 3,297 emergency officers; it gives no additional benefits to the 69,386 emergency enlisted men who are rated 30 per cent or more permanent—the same rating as had by the officers whom it seeks to benefit.

This bill holds out the possibility of additional benefits to 7,000 emergency officers, who, if given ratings of 30 per cent or more permanent, can come within its provisions. It holds out no hope of additional compensation to approximately 243,000 disabled emergency enlisted men.

To sum up, it brings immediate benefits to less than 3,300 disabled service men out of 254,000 now on the rolls.

One of the reasons advanced by some in favor of this legislation is that the officers were generally older, better educated, and accustomed to more of the material things of life, and therefore his pay from the Government should be greater. That, I submit, is a dangerous theory for this Nation to accept. The necessities of life cost just as much for the family of a disabled enlisted man as for those of an officer. The dollar compensation paid the officer and the enlisted man have the same purchasing power. But assuming their reasons to be correct, the educated emergency officer is far better able to overcome his disability than is the emergency soldier or officer who must supplement his compensation by physical labor. For example, the lawyer who has lost a leg can continue to practice law; the farmer who has lost a leg can follow a plow, but his handicap is far greater.

The statement is made in the report that the passage of this bill has been persistently urged by both the American Legion and the Disabled American Veterans, but from that it does

not follow that the rank and file of the membership of those great veterans' organizations either know of its provisions or approve of its passage.

I know something of the American Legion and its membership. It has honored me highly in the past; it has been my great privilege to serve its membership both before I came to this body and since. I hope to continue to serve its membership. I respect the American Legion and its wishes. It is not easy to go against its declared policies. The American Legion Monthly is sent from national headquarters to every member. It carries Legion news, outlines Legion policies, and builds Legion sentiment. Yet never once during the years that this bill has been before Congress has the American Legion Monthly told the full truth about this bill. The views of those who honestly oppose this legislation have never been stated. The membership of the Legion has not been told that this bill discriminates against 70 per cent of the disabled emergency officers of the Army. They have not been told that it discriminates against the widow and orphans of the officer dead. They have not been told that it discriminates against all of the disabled emergency enlisted men.

The American Legion's representatives have made no effort to tell the service men all the facts about this bill. Their effort has been entirely to use the prestige and good name of that great organization in an attempt to force this legislation through this body without regard to its merits, its discriminations, or the policies that it overthrows.

Since I have been a Member of this body Congress has passed pension legislation for the men of the Civil War, the Indian wars, the Spanish-American War, and for their widows and orphans. Every one of those men and their organizations asked that Congress treat them all exactly alike without distinction as to rank, and Congress has so legislated.

Congress, since the World War, has passed considerable legislation for the benefit of the veterans of the World War. We have granted compensation to those men whose disabilities were traceable to their service. We have presumed service connection in cases of disease such as tuberculosis and many other cases and awarded compensation. Congress has granted increased compensation to the widow and the orphan of the service men who gave their lives to the Nation. The doors of the hospitals of the Veterans' Bureau have been opened to the service men, and treatment and care is provided at the expense of the Government. All of this freely and gratefully given—but, mark you again, all of it has been without discrimination one from the other as to rank.

Four years ago Congress passed over the veto of the President the adjusted compensation bill. It was supported by public opinion, urged by veterans' organizations, and passed as an act of justice. But its benefits applied alike to enlisted men and commissioned officers up to and including the rank of captain. Beyond that no benefits were conferred. Why, then, should we change now the fixed policy of the Government that has been uniformly followed for these many years in the treatment of the citizen soldiers of the Civil, Spanish-American, and World Wars?

I am not going to take the time of the House to discuss a great number of cases. Some days ago I briefly discussed this bill and called the attention of the House to a list of beneficiaries inserted in the Senate debate by Senator BINGHAM, and since that time incorporated in the minority report on this bill, stating at the time I called attention to the list "in order that Members may study the list, as it shows the men in the States who are beneficiaries of" the bill and in order that they might "know definitely" what they were voting for.

The American Legion's representatives in Washington have sent out a bulletin in which they charge that what I did that day was "unjust and misleading." Is it "unjust and misleading" to call the attention of the House to the benefits they are asked to confer on individuals and to ask that they know what they are doing before they do it? A statement had been made in one of the House committees and reiterated by several Members that the "golf champion of South Dakota" was a beneficiary of the bill. I determined the name of the man to whom they referred. He has a 35 per cent disability and would, if the bill becomes a law, draw \$218.75 a month according to the Veterans' Bureau report. His name is William A. Hazle, of Aberdeen, S. Dak. I wired a friend in Omaha, Nebr., to get me Mr. Hazle's golf championship record. He wired Aberdeen and received a reply, which was sent to me, that Mr. Hazle "holds nearly all amateur championship titles north part of the State." That, of course, confirmed the statement that had previously been made here about him, and accordingly I made that statement in discussing this bill.

The following day I received a telegram from one E. B. Harkin of Aberdeen, S. Dak., stating in denial of the tele-

gram that had been sent the previous day and upon which my statement was based that Mr. Hazle is not a golf champion and that "I am sorry that you were misled and that you in turn misled your auditors." Colonel Hazle has also denied that he is a golf champion. There is no denial that he plays golf. Neither is there any denial, and there is an admission, of the other facts as stated by me. Inquiry at the War Department discloses "that he was discharged June 16, 1919, at which time no physical defects were reported." He holds at this time a commission as a colonel in the Adjutant General's Department Reserve, and is presumed to be fit for duty. I am also advised that he is at the present time adjutant general of South Dakota. And yet by this bill it is proposed to increase his compensation from \$35 a month to \$218.75 a month.

Members can go through the list. There is a general now drawing \$60 a month, who, if this bill becomes a law, will receive \$375 a month for life.

There is the New York judge now on a salary of \$12,000 a year who is to be "retired for disability" if this becomes a law, but will continue as judge.

There is an employee of the Veterans' Bureau drawing a salary of \$3,000 a year with a 31 per cent disability who will receive \$3,000 a year additional by way of compensation. The list of beneficiaries has been furnished you. Take it for your State. Compare the officer, partially disabled, who receives these great benefits with the enlisted man, totally disabled, who receives \$100 a month—or the man with his eyes gone who gets \$150 per month. Compare these men in that great list of beneficiaries with those men sick in body and soul for whom you have tried to get compensation these years and failed. Study the list of beneficiaries, with all of its glaring injustices and discriminations, and decide if you want with your vote to approve what it does.

Again, the same American Legion Bulletin, still referring to me, says:

A true friend of the officers who fought the World War could cite the instance of hundreds of them still on their backs as a result of their war service, and whose children have been brought up in comparative poverty because of the sacrifices made by their father.

I am trying to be a "true friend" not only of the officers, but also of the enlisted men who fought in the World War. I can cite the "instance of hundreds of them still on their backs as a result of their war service." To be exact, on September 30, 1927, there were 573 emergency officers with a rating of temporary total disability, emergency officers for whom this bill does absolutely nothing, to whom it gives no increase of compensation, outcasts in the opinion of the backers of this bill, and yet "they also served."

I remember visiting with some of them at Oteen Hospital three years ago. Bedfast for four years, but with a temporary rating, and therefore not among the elect that this bill benefits. I can "cite the instance" not of "hundreds," but of over 7,000 emergency officers now drawing compensation from the Veterans' Bureau whom this bill does not aid because they have temporary or less than 30 per cent permanent ratings.

And yet those of us who oppose this bill and ask for equal treatment to all of America's men who became disabled during the emergency are charged with not being "true friends" of those who served.

And again, these men who assume to speak for the American Legion and its membership refer to those officers "whose children have been brought up in comparative poverty because of the sacrifices made by their father."

Is the pinch of "poverty" more severe on the child of an officer than on the child of an enlisted man?

Is the pinch of "poverty" more severe on the child of an officer who is living than it is on the child of an officer who is dead?

Is the obligation of the Government to the one greater than to the other?

Have those who thus assume to speak for America's service men so soon forgotten the appeal they made for \$5,000,000 to endow a fund to aid the orphan of their buddy who has "gone west"? Obviously so, for the child of the officer and enlisted man dead, for whom they then appealed, is entirely overlooked by this bill.

They have forgotten that enlisted men have children, that temporarily disabled officers have children, and they have forgotten the children of the officer dead, for whom there should be the greatest solicitude.

Will the American Legion approve this discrimination, this forgetting—I take it not.

In an American Legion bulletin of April 21, 1928, the statement is made that those of us who are opposed to this bill have—

neglected to state that 3 of these badly crippled officers wear the congressional medal of honor, while 82 were awarded the distinguished-service cross for gallantry in action beyond the call of duty.

All honor and credit to those officers. There is not a person on this floor who would detract one iota from the glory that is theirs. But here, again, the question comes of a discrimination between two groups within one class.

There are 90 medal of honor men in the United States, identified survivors of the World War. Are the 3 who were emergency officers entitled to greater consideration than the 87 remaining who likewise hold the coveted medal of honor?

There were 6,042 distinguished-service cross awards made for World War gallantry beyond the call of duty. And in addition 115 oak leaf clusters were awarded to those already holding the distinguished-service cross, or a total of 6,157 awards. Again, may I ask are the 82 disabled emergency officers whose great service has been recognized by that award entitled to more consideration than the 6,075 who rendered the same distinguished service and received the same award?

Is the Congress going to pick out of that small group of honored men a still smaller group to whom increased compensation shall be given?

I do not believe that those men—honored as they have been and now are for their exceptional service—would ask that they be treated differently than the greater group of those who hold similar awards, the large majority of whom were enlisted men.

What argument is there left for the bill? Just one—several of the great veteran organizations have indorsed it. But they have not known the facts; the committee handling this bill this Congress refused to hold hearings on it, refused to allow opponents and inquiring Members to investigate it—and now it is before you by a committee vote of 8 to 7—without a word of testimony for you to consider, no hearings, nothing on which to act. And yet you have received letters, telegrams, telephone calls, and personal calls from your constituents demanding that you pass this bill without amendment, "without the dotting of an i or the crossing of a t," demands that the membership of this body ignore their duty to consider legislation, that they surrender their rights as Members of this body, and blindly obey orders of whom? You are receiving these communications from your home people, but they do not originate there. They originate here in Washington.

I have here some of the bulletins on this matter sent out by the national legislation committee of the American Legion. I shall read quotations from some of them. Members may examine the bulletins. I now quote:

This is a session of Congress when nearly everything that they do * * * can be used against them.

You ought to see to it that these Congressmen are pledged * * * to support this legislation, because once they are elected then comes the "lame-duck" session of Congress and they can break their promises.

I have received a lot of letters from different men * * * assuring me our "Senators and Congressmen are with you." That does not mean a thing. What we have got to have is the individual Congressman by name and the individual Senator by name that is for our particular legislation, and then we can put them down in the "yes" column.

When we send out the word to send telegrams to Congressmen and Senators, come down just as fast and hard as you can make them come down.

I have said before, and it is just as true as can be, these fellows listen to the voice of the folks back home.

I am going to ask you, as you get our bulletins which we send out each week * * * lay out definite plans * * * so that you can put pressure on the different Senators and Congressmen.

From time to time it is the intention of the legislative committee to call upon the various departments and members of the Legion for assistance in developing public sentiment. There are two principal methods by which this support can be evidenced in such a way as to have a compelling influence upon Members of Congress:

First, mass meetings * * * in the district of those members who are in opposition to our program. The second method is by way of letters to the various Members of Congress.

Form letters to Members of Congress are not to be encouraged. The members of the post, when requested to write letters should develop their own letter. It is far better to have a hundred letters, * * * expressing an interest in certain legislation and a desire for its enactment, than to have a thousand form letters received which are usually discounted as having all come from the same interested source.

Here is the weekly bulletin for January 12, 1928, of the national legislative committee of the American Legion. I quote from it:

The enactment of legislation is accomplished more by constructive education * * *. This is especially true during a "presidential session" when legislators are more keenly alert concerning their constituents' wishes than at other times. * * *

Education now is, therefore, more productive of results than normally. Legion officials should therefore keep in mind this imperative matter of education.

January 21, 1928, this bulletin was sent out regarding this bill:

Legionnaires must keep in mind, that although the opponents of this measure are few in number they have unusual ability * * *. Legion officials should watch the progress of this legislation closely and keep in constant communication with their Senators and Congressmen so that your legislators may not be allowed to forget the intense interest which the World War veterans have in this legislation.

On March 22, 1928, a "special retirement bulletin" was issued, stating:

The friends of the bill in the committee considerably outnumber its opponents.

The report states the committee vote was 8 to 7.

The bill must be reported favorably on Monday—and without amendment.

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

Mr. SIMMONS. I regret I can not yield.

Mr. CROWTHER. I would like to know who signs those.

Mr. SIMMONS. John Thomas Taylor.

Mr. CROWTHER. You say John Thomas Taylor?

Mr. SIMMONS. Yes. That was on the 22d of March.

They were after the World War Veterans' Committee in this bulletin.

The members of the committee are overwhelmingly loyal to the cause of the disabled; but some of them are misled by the whisperings of opponents. Let them know that you are not misled and want them to push on straight ahead to victory.

Then follows a list of the committee by name and State, with instructions to "write and wire the ones from your State."

March 24, 1928, two days later, another bulletin went out, stating:

Committee members are already hearing from legion officials * * *. The showdown will come Monday morning, March 26, at 10 o'clock, when the committee votes whether or not the Tyson bill shall be immediately reported without amendment.

I am not prepared to say how much the committee was influenced by these bulletins, but on March 26 the committee refused to hold hearings on the bill, and by a vote of 8 to 7 ordered the bill reported without amendment.

Mr. RANKIN. The committee was called together to give hearings on the bill, but for some unknown reason they came to the conclusion to report the bill out.

Mr. SIMMONS. On March 31, another bulletin was issued. I quote:

Write your Senators and Congressmen immediately. Explain the Legion's program in detail. Show them the justice of our measures.

April 14, another bulletin about this bill stated:

"No amendments from the floor" must be the Legion's watchword on this measure. See to it that your Congressman understands this thoroughly.

Insist that your Congressman resist all amendments proposed from the floor so that after its passage by the House it will go straight to the President for approval.

Again in the bulletin on April 21, 1928, this appears:

The friends of the bill will resist every amendment proposed from the floor. Let your Congressman know this. * * *

Victory will come through pressing on toward our objective with an unamended bill. So insist that your Congressman vote against all amendments offered from the floor.

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

Mr. RANKIN. Mr. Chairman, I yield to the gentleman 10 minutes more.

The CHAIRMAN. The gentleman from Nebraska is recognized for 10 minutes more.

Mr. SIMMONS. After all this carefully planned propaganda on the part of the national legislative committee of the American Legion, after all these instructions have gone out to American Legion officials "to see to it that Congressmen are pledged";

that when "we send out word to send telegrams to Congressmen and Senators" to "come down just as fast and hard as you can," to "put pressure" on Congressmen; "to have a compelling influence" on Congressmen; "to write letters" but not "form letters" to Congressmen; that "education" of Congressmen "is imperative"; instructions not to allow Congressmen "to forget the intense interest" which the World War veterans have in the bill; instructions to "see to it" that Congressmen "understand" that there shall be no amendments, to "insist" on that. After all that has been going out for weeks from Washington in the name of the national legislative committee of the American Legion, and as a result Congress has been flooded with propaganda for this bill; after all of that there is issued this bulletin of April 28, 1928, sent out over the signature of the vice chairman of that committee, stating—

evidences of organized propaganda against the disabled officers' measure heretofore carried on under cover are coming more and more to light—

That—

inspired letters are being received from other sources, showing that our opponents are working at top speed.

These men who have fostered and organized and conducted for years a propaganda for this bill now set up a straw man and then condemn the very practice that they themselves have developed and followed.

Then they charge that we who oppose this bill are "striving to defeat the American Legion and to weaken its influence at the Nation's Capital" and that we are fighting the "disabled officers and the Legion." Those statements are not true. This fight is not a fight against the disabled officers. It is a fight for equal justice to all disabled men of the World War—officer and enlisted. It is not a fight against the American Legion. This bill is not the American Legion, neither is the American Legion this bill, and the fight is against this bill. Neither is the person who issues these bulletins the American Legion. The American Legion is bigger and finer, cleaner and stronger than any man or set of men. [Applause.]

No one opposed to this bill wants to weaken the "influence" of the American Legion in "the National Capital." For six years I have fought here for the American Legion, its ideals, and the bills carrying out its declared principles. I am fighting this bill because it is entirely out of harmony with every ideal of the American Legion. If there is anything that will weaken the influence of that great organization in Congress it will be not only the support of bills of this character but, more than that, the methods that have been used by those who temporarily serve the American Legion here in the support of this bill.

But why this sudden shift? Heretofore the proponents of this measure have allowed the bill to stand on its own merits—but now the proponents of the bill attempt to push the bill to one side and put the American Legion in its stead. The bill has failed to withstand attack. Now they attempt to change the issue from one against the bill to one against the Legion. The only purpose of the charge that we are fighting the American Legion is to try and bring about a situation where the issue when we vote on this bill will not be "Shall the bill pass?" but will be "Are you for the American Legion?" That move also will fail, the fight will continue to be against the bill; it will not be, is not, and never has been against the American Legion, and every Member of this House knows it.

The bulletin further states:

The Legion should meet the propagandists and whisperers with a clean, vigorous, honorable fight * * *.

I agree that the Legion should, but will it? The propagandists and whisperers are those who claim to speak here in Washington for the American Legion. The House has been deluged with the result of their efforts. Those of us who have opposed this bill have done so in the open, speaking against it on the floor of the House, in the committees, in committee reports. Personally, I have spoken against this in American Legion conventions. Why then charge us with being "whisperers and propagandists"? The Legion should, and in my judgment would, if it knew the facts, meet "propagandists and whisperers with a clean, vigorous, honorable fight." When it does there will be a change in personnel in the national legislative committee, and a change of procedure of the American Legion's representatives in Washington. When that is done there will be no more misrepresentation of the American Legion in the Nation's Capital, and the prestige and influence of that great organization will be strengthened thereby.

The man who issued these bulletins sits in the gallery smiling, watching. The letters that he asked for have been written. He watches to find out whether or not the membership of this House will obey his instructions to pass this bill without amendment. We shall see as the bill progresses to what extent

Members have surrendered their right to consider, to weigh, and pass on legislation to the dominance of these few men who claim to speak for America's veterans.

I realize that there are Members of the House who have pledged to vote for disabled emergency officers' legislation. But surely no Member has pledged to vote for any bill that may be offered, surely no Member is pledged to vote for this particular legislation "without amendment," and surely no Member has pledged to surrender entirely his duty to consider, weigh, and act on amendments to this bill with the same full consideration that is accorded all legislation in this House. Personally I do not believe that the membership of this House will refuse to consider amendments to this bill.

President Lincoln closed his second inaugural with these words, which are particularly applicable here:

Let us strive on to finish the work we are in, to bind up the Nation's wounds, to care for him who shall have borne the battle and for his widow and his orphan.

Lincoln's policy of one for all, all for one, with no distinction as to rank, has been the American policy from that day to this—this Congress should not depart from it. [Continued applause.]

Mr. ROY G. FITZGERALD. Mr. Chairman, I yield 10 minutes to the gentlewoman from New Jersey [Mrs. NORTON]. [Applause.]

Mrs. NORTON. Mr. Chairman and members of the committee, it has rarely happened in my brief service in Congress that I have found myself in disagreement with my colleague from Tennessee, a man for whom I have not only a great respect, but an unbounded admiration; but in this case, much as I regret it, I can not agree with the distinguished gentleman. So much opposition seems to have recently developed regarding this bill that I am forced to believe the reason must be that it does not carry a sufficient amount of money. I believe if it carried many hundreds of millions of dollars instead of less than \$3,000,000, and had a rich lobby supporting it, it would be passed without a record vote, and yet no legislation before this Congress is more important than this bill providing for the relief of disabled emergency officers of the World War.

I feel quite sure that it never has been the intention of Congress, or the American people, to discriminate against any officer who suffered for his country in that world conflict. We know most of these men gave up responsible positions at great personal sacrifice to answer the call and fight for the safety of America.

This measure is important, not only to the men directly interested in it, but to the country as a whole; for the Nation owes a debt of honor to these men, a debt which Congress so far has neglected to recognize.

This bill would allow the disabled emergency Army officers, who served in the United States Army during the World War, the same rate of retirement for their wounds that has been allowed the other eight classes of American officers who fought in the war.

I refer to the regular, provisional, and emergency Navy officers, the regular, provisional, and emergency Marine officers, and Regular and provisional Army officers—all who have retirement—but please note that the emergency Army officers are omitted from this list. Why discriminate against these brave men?

The selective service act of May, 1917, put all officers and men not of the Regular Army on the same footing as regards pay, allowances, and pensions with officers and men of the Regular Army. Yet for almost eight years there has been a discrimination against the emergency officers.

I am speaking on the moral side of this question, leaving the financial end of it to Mr. FITZGERALD, who has fully explained it to the satisfaction of all—but the obstructionists. It is time for them to step aside.

This story has been told many times before in the last few years, but it will bear repeating; in fact, it must be kept in the public mind until the present unjust discrimination against the disabled emergency officers has come to an end.

I am informed that efforts have been made in every session of Congress since 1920 to right this wrong. Twice bills have passed the Senate by large majorities, only to be sidetracked in the House, without even permitting it to come to a vote.

As a member of the Veterans' Committee, I have voted to report this bill out in the Sixty-ninth Congress and again in the present Congress. It seems unthinkable that Congress will fail again in so plain a duty.

It is not true, as asserted by the obstructionists, that the enlisted men are opposed to this bill. Ninety per cent of the American Legion served in the ranks, and ten times the Legion has approved the principle of the proposed legislation.

Seven times the Disabled American Veterans have recorded their commendation. Personally, I have had representatives

from several other organizations call upon me, urging me to use my influence (little as it may be) to bring this measure to a vote in the House. I am glad the bill has finally arrived here after being caged in the Rules Committee for so long. Organizations, such as the Veterans of Foreign Wars, the United States Blind Veterans' Association, the Military Order of the World War, the National Guard Association, the Women's Patriotic Conference on National Defense, composed of 33 national patriotic women's organizations, indorsed it at their conference last year; which conference I had the honor to address. The General Federation of Women's Clubs, speaking for 7,000,000 women, indorsed it at their national convention. These are only a few of the splendid organizations which have voiced their approval of this worthy bill.

Who are the opponents of this bill? Who is leading the opposition to this bill and prevented it from coming to the floor of the House for so long a time? Why does not the opposition show itself?

Some of the feeble opponents of this bill—for they seem afraid to voice their opposition or be recorded against it—whisper that it is "class legislation." If this is class legislation, so are the eight other grade of officers already cared for, class legislation. Why discriminate against the last class, the volunteers?

These men were not professional soldiers. They had not been singled out, educated, and provided with economic security for life by the Nation. They went in from patriotic motives and for the war period, and they suffered disability in proportion to their number.

It is said that 93 per cent of the Army officers killed in action were emergency officers. It is further stated that the Government is now paying out in annual compensation to these disabled officers the sum of \$2,841,960 through the Veterans' Bureau. Deducting that amount from the actual estimated expense to the Government of this bill, if enacted into law, which would be \$4,985,100 annually, would leave the sum of \$2,143,100 annual increased cost of retirement. This covers all officers found to be 30 per cent permanently disabled, including the Army, Navy, and Marine Corps. I believe 3,251 officers in all.

These men are asking you for simple justice. They were volunteers in the great service and as important a part of the Army of the World War as were the regular officers. Our work will not be complete until these noble volunteers are recognized and receive the same benefits as the other officers.

I recall that the Secretary of War, Mr. Davis, gave his sanction to the bill in a letter to the chairman of the Senate Military Affairs Committee. Mr. Davis, however, wrote that the Director of the Budget had advised him that "the proposed legislation" was "in conflict with the financial program of the President."

Surely, arguments of economy do not hold in this instance, for there are only a small number of men involved, and a correspondingly small amount of money.

Other bills, involving hundreds of millions, have been passed by this Congress, some without even taking time for a record vote; but they were sponsored by big business and sustained by powerful lobbies, representing the great financial interests of the country, while the emergency officers of the Great War, who brought a new freedom and prosperity to America, control only a lobby of grateful men and women who remember their sacrifices, their sufferings, and their renunciation of everything that life held dear and sacred.

I am sure, gentlemen—appreciating that I do not need to appeal to the gentlewomen—that you will heed the concentrated voice of this human lobby, for many of you sitting here to-day voted to send these men to war. It was a solemn moment, but not more solemn than the moment to-day—when, by your vote, on this bill, you shall or shall not justify that other vote.

I can not believe that President Coolidge would veto this bill, if it finally passes the House, in spite of the obstructionists. The country does not want money saved at the expense of those noble men of the World War.

Let us pass this bill as our small tribute to their great courage and loyalty to America and to the flag that has never known defeat. [Applause.]

Mr. ROY G. FITZGERALD. Mr. Chairman, I yield five minutes to the gentleman from Missouri [Mr. COMBS].

Mr. COMBS. Mr. Chairman and gentlemen of the committee, I have listened with very deep interest to the closely reasoned arguments of both the gentlemen from Tennessee [Mr. GARRETT] and the gentleman from Nebraska [Mr. SIMMONS], but I can not resist the belief that both of them have missed the genuine issue involved in this controversy.

At the time the United States entered the World War the selective service act was adopted by the Congress of the United States and the bill which is before us to-day is nothing more than the redemption of a valid and binding pledge made by the Congress of the United States at that time. If you will permit me to read the wording of section 10 of the selective service act of May, 1917, you, perhaps, can follow more closely the argument I should like briefly to make upon it:

SEC. 10. That all officers and enlisted men of the forces herein provided for other than the Regular Army shall be in all respects on the same footing as to pay, allowances, and pensions as officers and enlisted men of corresponding grades and length of service in the Regular Army.

Whatever distinction there may have been between the officers of the Regular Army and those who were designated as emergency officers was abolished by the express phraseology of the selective service act of 1917.

The gentlewoman from New Jersey [Mrs. NORTON] told you a moment ago that there were three classes of officers affected. Briefly, the disposition that has been made of the retirement problems of these classes is as follows:

The provisional officers of the Army were given absolute equality with, and the same retirement privileges enjoyed by, the Regular Army officer, by the act passed in the summer of 1918. The second class composed of the officers, provisional, regular, and emergency, of the Navy were expressly cared for by the act of 1920. In this connection I would call your attention to the fact that this bill was sponsored by the Navy Department and was championed throughout its legislative course by the Secretary of the Navy in the year 1920, showing that there was a clear understanding on the part of the Navy that all of its officers should be recognized as on a complete parity and equality with those who were of its regular officer personnel. Now, the last class comes before you asking recognition. If we are to discharge the obligation expressly assumed by this Nation in the terms of the act of 1917, there is no other course we can pursue but to grant this relief.

The American Legion, my colleagues, I believe, needs no apologist. It is thoroughly representative of the service men throughout this country. Its representatives have fully as much right to petition this Congress as have the representatives of any industrial or business group. [Applause.] They have come here asking the membership of the House to fulfill a definite obligation which this Government owes to a single class of officers for which provision has not yet been made.

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

Mr. ROY G. FITZGERALD. Mr. Chairman, I yield the gentleman one additional minute.

Mr. COMBS. In conclusion, let me say that the bill has been here in various forms for six or seven years. If there is any discrimination in it, it at least has never aroused the animosity of the rank and file of the service men of this country. I was an enlisted man myself. I held no commission during the war, and I think I can speak without partiality or prejudice. The enlisted men, represented by the American Legion, have heartily indorsed this bill because they believe it to be equitable and fair in its provisions. [Applause.] If there had been any discrimination in the bill which these men believed reflected unfairly upon them and their services to their country it would certainly have come to a head within the seven years' time that this bill has been pending here. The fact that it has not is eloquent proof that the rank and file of the Legion and of the ex-service men of this country are solidly behind this measure. [Applause.]

Mr. RANKIN. Mr. Chairman, I yield five minutes to the gentleman from Michigan [Mr. JAMES].

Mr. JAMES. Mr. Chairman, the gentleman from Missouri [Mr. COMBS] quoted part of section 9 of the selective draft law of 1917 and then stated that on account of this language these men should be pensioned.

This is practically the same language we had in 1812 and is the same language practically that we had for the Mexican War, the Civil War, and the war of 1898, word for word, and nobody will contend that the volunteer officers in the War of 1812 were entitled to pensions or increased compensation above the enlisted men.

Mr. ROY G. FITZGERALD. Will the gentleman yield?

Mr. JAMES. Yes.

Mr. ROY G. FITZGERALD. Does not the gentleman know that they did receive exactly what was promised them? There was not any retirement until the Civil War.

Mr. JAMES. Let me read the language.

Mr. ROY G. FITZGERALD. But Congress fulfilled its obligation, and they got it.

Mr. JAMES. Let me first read the language with respect to 1812:

And be it further enacted, That the President be, and he is hereby, authorized to form the corps of Volunteers into battalions, squadrons, brigades, and divisions, and to appoint thereto, by and with the consent of the Senate, general, field, and staff officers, conformably with the Military Establishments of the United States, and who shall be entitled to the pay and emoluments of a similar grade in the Army of the United States.

For the Mexican War there was the following provision:

SEC. 9. *And be it further enacted, That whenever the Militia or Volunteers are called and received into the service of the United States under the provisions of this act, they shall have the same organizations of the Army of the United States, and shall have the same pay and allowances.*

Now, what happened in 1898 when the gentleman from Alabama [Mr. HUDDLESTON] and others enlisted? What did that law provide? It was as follows:

SEC. 12. *That all officers and enlisted men of the Volunteer Army, and of the militia of the States when in the service of the United States, shall be in all respects on the same footing as to pay, allowances, and pensions as that of officers and enlisted men of corresponding grades in the Regular Army.*

Mr. HUDDLESTON. Will the gentleman yield?

Mr. JAMES. I yield.

Mr. HUDDLESTON. And no officer of the Spanish War has ever even asked for this, not to speak of claiming it as a matter of right.

Mr. JAMES. That is quite true.

Mr. BLACK of Texas. Will the gentleman yield?

Mr. JAMES. Yes.

Mr. BLACK of Texas. Let us put the emphasis upon what is the fact, that the very language that has been quoted to sustain this argument, negatives it. If it was intended that these emergency officers should be admitted to retirement privileges, why, of course, the act would have said so because we had a retirement act as to Regular Army officers, and there is nothing at all said in the language quoted as to retirement. It is perfectly true that the pay and allowances of emergency officers was to be exactly the same as the pay and allowance of officers of the Regular Army, but I have seen nothing in the law providing for the retirement of emergency officers, especially for a disability no greater than 30 per cent. I have always supported equality of compensation between officers and enlisted men. It is a Democratic principle.

Mr. JAMES. Here is the language with respect to service on the Mexican border:

Officers and enlisted men in the service of the United States under the terms of this section shall have the same pay and allowance as officers and enlisted men of the Regular Army of the same grades and the same prior service.

The provision with respect to the war of 1861 reads as follows:

SEC. 5. *And be it further enacted, that the officers, noncommissioned officers, and privates, organized as above set forth, shall in all respects be placed on the footing, as to pay and allowances, of similar corps of the Regular Army.*

Do these provisions mean that in 1898 when men were enlisted as privates and others enlisted at the same time as officers, that when they came out of the service and went back into civil life, as we all did, that the officers were to go on the pension list under a different grade from those of us who went in from civil life as enlisted men, leaving good positions? Why, not at all.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. JAMES. Yes.

Mr. COOPER of Wisconsin. Will the gentleman please read what the gentleman from Missouri [Mr. COMBS] just read?

Mr. JAMES. Yes.

Mr. COOPER of Wisconsin. The law under which these officers enlisted.

Mr. JAMES. It is section 9 of the selective service law and is as follows:

SEC. 9. *That all officers and enlisted men of the forces herein provided for, other than the Regular Army, shall be in all respects on the same footing as to pay, allowances, and pensions as officers and enlisted men of corresponding grades and length of service in the Regular Army.*

In other words, in 1812, 1846, 1861, 1898, and during the Mexican border expedition and during the World War the language has been practically the same, word for word. There

has never been any provision under which the volunteer officers were to be treated any differently from the volunteer enlisted men, and they ought not to be now. I yield back the balance of my time, Mr. Chairman.

Mr. ROY G. FITZGERALD. Mr. Chairman, I yield three minutes to the gentleman from North Carolina [Mr. ABERNETHY].

Mr. ABERNETHY. Mr. Chairman and gentlemen, I can not say much in three minutes. I was not in the war, I did not have the privilege of getting into it, I was too old to get into it; but I want to say now that whenever a person who did go into it and went across the sea and was wounded and comes to this Congress and wants relief, I for one am not going to get behind some specious argument to try to keep him from getting that relief, when at the same time we are giving it to the Regular Army officers.

The real folks who are opposed to this bill are the General Staff and we might as well call a spade a spade and a shovel a shovel. The men who are in the Regular Army are the ones who have defeated this legislation for seven or eight years and for one I do not think it is fair, because it is only a mere pitance that they are asking.

There are two men in my town who would be beneficiaries under this legislation, one who is a Republican postmaster and the other is a Democrat. The man who is a Democrat was shot all to pieces and is now wearing an ear taken from a dead German. [Laughter.] You can laugh at that, and, of course, it may seem a funny thing to some of you, and that is the manner in which some of you are approaching this legislation. There is nothing too good for this man. Under this bill he gets only \$125 a month, and he is shot all to pieces. He is a man who was 41 years old when he went into the Army. I refer to that brave officer, Lieut. Tom C. Daniels.

Mr. SMITH. How much compensation does he draw now?

Mr. ABERNETHY. He draws about \$85 a month and under this bill he would get \$125 a month.

There are only five men in my district who are interested in this legislation. Is that any reason why I should be against it?

The American Legion post of my city passed on this very matter a few weeks ago. Out of 84 members present 7 were officers and 77 enlisted men. There was but 1 vote against this legislation.

I voted for your flood relief bill \$325,000,000. We voted out a million and more dollars for a monument out in Indiana for one George Rogers Clark, who went out through the Northwest in the early part of our history. Now, there is the gentleman from Alabama, Major JEFFERS, as brave an officer as ever went to war—ask him how he feels about this legislation. Then there is another officer, Major REECE. Ask him how he feels about it. I tell you it is nothing but exact justice for these men, and I can not figure out how we will get by the proposition without granting them this relief, and you who are opposing it will have more to explain than I will for I am for the legislation. [Applause.]

Mr. ROY G. FITZGERALD. Mr. Chairman, I yield 15 minutes to my colleague from Massachusetts [Mr. CONNERY].

Mr. CONNERY. Mr. Chairman and ladies and gentlemen of the House, as I stated in my questions to the gentleman from Connecticut [Mr. TILSON] I was an enlisted man during the war. I enlisted as a private in Company A, One hundred and first Infantry, what was formerly known as the Fighting Irish Ninth Massachusetts Regiment, and later I became a color sergeant of that regiment.

It seems to me, as my distinguished colleague and buddy from Missouri [Mr. COMBS] said, we have been missing the crux of this matter. I like to listen to the distinguished gentleman from Tennessee [Mr. GARRETT] and I like to hear from the distinguished gentleman from Connecticut [Mr. TILSON] when they stand up here and give us wonderful talks about the Constitution of the United States and why we should not pass legislation that is going to tear up the foundations of the Republic. I have listened to that kind of talk for five years, and to use a common expression, it is a lot of bunk. [Laughter and applause.]

I say that advisedly, because some men who have talked here to-day tell us they would like to do something for the disabled men and for the enlisted men, but these are the same men who were responsible for making the Veterans' Committee cut \$20,000,000 off the bill which General Hines said would take \$39,000,000 to take care of the disabled men.

Mr. O'CONNELL. What did General Lord say?

Mr. CONNERY. General Lord never agrees with the Veterans' Committee on anything. I was an enlisted man. I had the honor and privilege—one of those glorious privileges [sarcastically] they talk about—of standing in the front-line trenches

and fighting the cooties and the rats, and the glorious privilege [sarcastically] we had on the front of fighting the Germans, and I saw these disabled emergency officers that legislators are telling us should not be discriminated in favor of—I saw many of the 93 per cent of the emergency officers of the World War who went into the trenches and over the top with the enlisted men, wounded and shot down, while only 7 per cent of the officers of the Regular Army were casualties in battle. Ninety-three per cent of the officer casualties were emergency officers. I did not see the Regular Army officers at Chaumont because we could not get that far back, those men that the late Hon. James Gallivan called the "highly tailored staff"—they were at Chaumont way back of the front line. And note they come under the retirement act. If they had fallen off a horse, they could get retirement pay; but men like Lieut. Arnold Brewer and our beloved Lieutenant Harriman, who had a wife and little daughter—who went over the top—was shot six times whilst saving his men from a flank attack in a trench at Humbert Plantation in France, would not be entitled to retirement pay because it would be a discrimination [sarcastically].

Now, my colleagues, do not get it into your heads that the enlisted men do not want their buddies, these disabled emergency officers, taken care of. I have the highest respect for the gentleman from Nebraska [Mr. SIMMONS], my colleague, my brother service man. I believe he is sincere. I believe all the rest of the service men who are talking against this are sincere. They think it is a discrimination against the enlisted men, but it is not. I was looking over the minority report, and discovered something that I have never known before. I find out that every man from my district—that is, every one of these disabled officers—is permanently and totally disabled under the Veterans' Bureau. Under that they are entitled to \$100 a month, and under this bill they will be entitled to \$125 a month. I claim that I am speaking for as many service men as is the distinguished gentleman from Nebraska, and the opponents of this bill. I was in a division that saw some fighting in France, the Twenty-sixth Division, the division that President Wilson had Christmas dinner with, because that division had served longer at the front in France in the front lines than any other division. So we saw some fighting. I knew those men. I saw these emergency officers in battle. They had courage and leadership to the nth degree. Their men would follow them anywhere and into any danger. They were heroes of the highest order. They went into battle leading their men. They were wounded. They are disabled. Every officer in the Marine Corps, every officer in the United States Regular Army and in the Navy has this retirement feature except the men who, to my mind, fought the war, the men who fought the war alongside of their buddies. You can not find an enlisted man who was in the Forty-second Division, that wonderful Rainbow Division, or in the Twenty-seventh Division, that great New York division, or a man who was in the First or Second Division, or in the marines, or in the Third Division, the Fourth Division, or the Seventy-ninth Division, or the Thirtieth Division, or in any of those fighting divisions that went up to the front—you can not find any enlisted man in any of those divisions who would tell you to vote against this bill. They know better than that.

They know that their officers, their second lieutenants, had a harder time to live on the pay that they got than the sergeants. They had to buy their own uniforms. They had many incidental expenses in their mess, and in respect to their food, that the sergeants did not have. In the Army we sergeants used to say that we were much better off financially than the second lieutenant. These men shared all the hardships of the enlisted men and we believe they are entitled to this retirement pay now.

We have heard a lot about friendship for the enlisted man to-day. The distinguished gentleman from New York [Mr. CROWTHER] said that he would like to see something done for the disabled men by correcting conditions in the Veterans' Bureau. The service men have no better friend than Mr. CROWTHER. He was the man, a Republican who was game enough, on the Ways and Means Committee, to vote against his party for a cash bonus for the soldier, or to give him his choice between cash and that undertaker's bonus we got—and an undertaker's bonus is what it is, something with which a man's widow can pay the undertaker after he has gone. The gentleman from New York [Mr. CROWTHER] is a friend of the service men, and a real friend, because it takes courage to go against your party. He said that he would like to see something done for the men who are up against the Veterans' Bureau at the present time, and the gentleman from Wisconsin [Mr. SCHAFER] said it was a matter of legislation. I think both gentlemen are partly right and partly wrong. The trouble lies in both directions. We need legislation to take care of the dis-

abled men, and we need humanity in the Veterans' Bureau, because we have some of these horse doctors, as I have called them before, down there, who declare a man has active tuberculosis to-day and to-morrow say that he has bronchitis.

We need to get rid of those men and get real doctors in there—and remember I do not say that all the doctors in the bureau are horse doctors. Some are A1 doctors and are doing great work for the disabled men—and, on the other hand, we need to get some legislation out of the veterans' committee which will take care of cancer and diabetes and put diseases under the presumption clause which are not under that clause now. In conjunction with the gentleman from Tennessee [Mr. BROWNING] I have been fighting for that for five years. We have been trying hard to get that through. The distinguished lady from Massachusetts [Mrs. ROGERS] and the distinguished lady from New Jersey [Mrs. NORTON] and other members of that committee, have tried to get such legislation put in the statutes.

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

Mr. CONNERY. Yes.

Mr. RANKIN. Does the gentleman notice the salaries of these men in the Veterans' Bureau he is talking about, and what they will draw under this bill?

Mr. CONNERY. If a man who was disabled 30 per cent were getting \$10,000 a year, I would say to give him this retirement. He has earned it. Look at the men who scratched the desks in Washington with their spurs during the war. Some of them are getting \$20,000 a year. To use the doughboy vernacular, "They fought a 'tough' war."

Mr. RANKIN. I will excuse the gentleman with that statement.

Mr. CONNERY. I would be willing to give the disabled emergency officers anything that the Regular Army officers get or that the Navy officers get, or the officers in the Marine Corps.

Mr. O'CONNELL. Or the enlisted man.

Mr. SCHAFER. Does not this bill take care of certain disabled emergency officers who had their spurs on the desks in Washington?

Mr. CONNERY. Oh, no; this has got to be connected with service, to be wounded in battle—

SEVERAL MEMBERS. Oh, no; oh, no.

Mr. CONNERY. It says connected with the service. Perhaps you did not have to get it in battle, but practically all of the disabled emergency Army officers were disabled in battle; but so far as the Regular Army man is concerned it would not make any difference. If he stubs his toe, he gets it.

Mrs. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. CONNERY. Certainly. With pleasure I yield to the gentlewoman from Massachusetts.

Mrs. ROGERS. The Members of the House ought to know what an extremely gallant record the gentleman from Massachusetts [Mr. CONNERY] had in France. The men of his division, the Yankee Division, have told me of his great bravery, of his unfailing cheer, and of his fighting. We all know in the House how he can fight for a cause. The Yankee Division men have told me of his unselfishness. They have told me that three times he refused to become an officer because he felt he could be of more assistance if he stayed in the trenches with the men. He was the color sergeant of the One hundred and First Infantry of the Yankee Division, which was formerly known as the "Fighting Irish Ninth Massachusetts." When his colonel, Edward L. Logan, on three separate occasions asked him to go to the officers' school, he said that he preferred to remain a color sergeant as he could stay in the trenches and help keep up the courage of his buddies. Before the war Mr. CONNERY had been on the stage for two years, and every one who has heard his stories knows what an actor he was and always will be. He can make every one laugh and forget for a time. Hundreds of men in his division have told me that BILLY CONNERY, as they affectionately called him, did more to keep up their morale in those days of horror and dread waiting than anyone else could possibly have done. We have every reason to be extremely proud of our colleague. If you could hear his comrades cheer him, you would know how deeply they love him and respect his sacrifice.

He served in every battle and in every engagement from the time they went into the trenches on February 6, 1918, until he was sent to the hospital in October, 1918. The One hundred and first Infantry fought in the Chemier des Dames sector, the Toul sector, at Chateau-Thierry, at St. Mihiel, and in the Argonne Forest. Larry Connery, our color-sergeant colleague's brother, who was top sergeant of A Company of the same regiment, in conjunction with three privates, captured 39 German prisoners in the St. Mihiel drive. They were the first prisoners captured by the Twenty-sixth Division in that drive.

As Larry Connery and BILLY CONNERY are the only two boys in the family, Mr. and Mrs. William P. Connery, of Lynn, Mass., gave to the World War 100 per cent. Both boys' records were 100 per cent. And both these enlisted boys want this bill enacted 100 per cent.

I know the gentleman would not discriminate against the emergency officers who had to remain in this country, who had the flu, and were disabled as a result of that, and who had tuberculosis, and who were injured and sick in this country, and who were never able to go to France. They are included in this bill, and the gentleman would include them I know. While they did not have service in France, they also served.

Mr. CONNERY. Yes; many officers and men who tried hard to go to France were refused that opportunity; I honor and respect them, and I say that one of my ideas in trying to get this bill through is that the Congress of the United States will eventually see the justice of bringing the enlisted disabled service men up to a higher point of compensation and not discriminate against the disabled emergency officer of the Army.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. ROY G. FITZGERALD. Mr. Chairman, will the gentleman yield?

Mr. CONNERY. Certainly. Then I will yield to our able Democratic leader, the gentleman from Tennessee.

Mr. ROY G. FITZGERALD. Does the gentleman realize that in the over 28,000 employees of the Veterans' Bureau there are 49 of those men who may be prospective beneficiaries of this act who are forced to continue their employment in order to keep a roof over their heads, and that with this money which they would receive they would be able to pay the interest on the mortgage that is held on their homes?

Mr. CONNERY. Yes; I can realize that; and there are many just like them in other walks of life. Now I yield to the gentleman from Tennessee.

Mr. GARRETT of Tennessee. Is it the purpose to bring the enlisted men up in compensation to this same level?

Mr. CONNERY. I will say to the gentleman from Tennessee that from my knowledge of the workings of Congress since I have been a Member here, I will take everything I can get for the soldier when I get a chance, because you know the soldier gets little enough at best; and if this is something that will help the disabled and wounded officers it may serve also to help my disabled buddies in the enlisted ranks by giving them a higher rate of compensation. [Applause.]

Mr. GARRETT of Tennessee. That is fine. The gentleman has been a great advocate of this bill, and a very intelligent advocate of it.

Mr. CONNERY. I thank the gentleman.

Mr. GARRETT of Tennessee. But it means that this is the wedge under which eventually he expects to bring the enlisted man up to the level of the officer?

Mr. CONNERY. I hope so.

Mr. GARRETT of Tennessee. That is what the gentleman says?

Mr. CONNERY. Yes. I hope to see my buddy, who served in the ranks with me in the Army, brought up where he belongs, and not continue to get only \$30 a month for 30 per cent disability.

Mr. GARRETT of Tennessee. I wonder if the gentleman now would be willing to accept an amendment to do that?

Mr. CONNERY. I will say that, knowing the workings of Congress, as I said before, I do not want to see anything put on that will kill the bill, because I have seen bills killed before in the House, and I have seen bills killed also in committee.

Mr. GARRETT of Tennessee. I am not trying to kill the bill. I am against the bill, of course, but I do not seek through any parliamentary maneuver whatever, to destroy the bill. I wish that Members who have inadvertently committed themselves to the proposition may have the opportunity of carrying out their promises.

Mr. CONNERY. When I say that I hope that this bill will prove to be a wedge to bring justice to the enlisted personnel of the Army and Navy and Marine Corps, I mean that I would like to see this bill pass, and, as a result of its passing, get results.

Mr. GARRETT of Tennessee. This involves a change of policy in the law that will probably exist for 10 or 15 years. There have been few measures pending within the House during the gentleman's service, and in my time, that involved so great a change of policy as this.

Mr. CONNERY. Well, if it is a change of policy, I think it is a change of policy in the right direction, because when we get a change of policy in this Congress that will give the soldier his just deserts, then we will be on the right track. I hope that kind of policy will be adhered to.

Mr. GARRETT of Tennessee. When the gentleman says "soldier," does he mean a soldier or an officer?

Mr. CONNERY. I mean both; because a good officer, I believe, is a good soldier, and a good soldier would be a good officer if he had the opportunity. [Applause.]

Mr. RANKIN. Mr. Chairman, I suggest that the gentleman from Ohio use some more of his time.

Mr. ROY G. FITZGERALD. Mr. Chairman, I will take five minutes for myself.

I am glad to take this opportunity, Mr. Chairman and gentlemen of the committee, to call the attention of the House to a decision of the Judge Advocate General's office, which determines the status under retirement and by which we may interpret the law and the obligation which the Congress and the country entered into with those men when it promised them that they would be treated absolutely as officers of the Regular Establishment were treated. But some one suggests that they did not use the word "retirement." Retirement pay is a form of pension just as surely as compensation paid by the Veterans' Bureau is a form of pension. The decision of the Judge Advocate General we find on page 13 of the hearings before the Committee on Military Affairs in the Congress of 1920, and the opinion is from House Document No. 545, page 494. I read:

Retired officers as such do not hold public offices. They are, in fact, pensioners. The position and pay given them constitute a form of pension.

It is a pension. Compensation is a form of pension, although we may use a different term to distinguish it from pensions that we have heretofore provided under different acts to be paid through the Pension Bureau of the Interior Department.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield there?

Mr. ROY G. FITZGERALD. Yes; I will be very glad to yield.

Mr. GARRETT of Tennessee. In the final analysis, is not this a bill to grant pensions based upon rank?

Mr. ROY G. FITZGERALD. I would think it might be so construed. I do not want to be committed beyond that.

Mr. GARRETT of Tennessee. I would like to ask the gentleman what is his own construction?

Mr. ROY G. FITZGERALD. In my construction this is the fulfilling of the obligation which the United States entered into with these officers when it passed the selective service act, and it is a form of pension, as all retirement pay and all compensation under our Veterans' Bureau are, properly classified under the generic term of "pension."

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

Mr. ROY G. FITZGERALD. Yes.

Mr. RANKIN. Did not the gentleman state before the Committee on Rules that it was a distinction based on rank, and did not the gentleman from Nebraska follow him and repeat that statement?

Mr. ROY G. FITZGERALD. No; he put that construction on it, and I do not believe he was beyond bounds when he did so. Now, the gentleman from Tennessee has talked about the settled policy of the United States. The settled policy of this Government from the beginning down to date, including the Spanish-American War, has been to compensate those injured in the service in accordance with their rank; to compensate them for disabilities incurred in service by pensions based upon rank, and based upon the settled policy of this democratic and not communistic country from the beginning.

I want to call particular attention to these laws, beginning with the Revolutionary War.

DISABILITY PENDING RATES FOR OFFICERS AND ENLISTED MEN

(Note.—Page numbers given refer to "laws of the United States governing the granting of Army and Navy pensions" in effect March 5, 1925, published by the Government Printing Office, and compiled under the direction of the Commissioner of Pensions and published in accordance with the provisions of section 4748, Revised Statutes.)

REVOLUTIONARY WAR

Page 9: Rate of pensions for known wounds incurred during the Revolutionary War are as follows under the act of April 10, 1806:

"Commissioned officers: One-half of the monthly pay legally allowed at the time of incurring said disability, but no pension shall be calculated at a higher rate than one-half pay of a lieutenant colonel.

"Enlisted men: \$5 a month."

CAMPAIGN ON WABASH

Page 10: Act of April 10, 1812, the same provisions as the foregoing Revolutionary pensions are made applicable to the campaign on the Wabash.

WAP OF 1812

Page 10: Act of April 24, 1816, the persons on the pension rolls on April 24, 1816, had their pensions increased for all ranks of first lieutenant and under, as follows:

First Lieutenant	\$17
Second Lieutenant	15
Third Lieutenant	14
Ensign	13
Noncommissioned officers, musicians, and privates	8

This act of April 24, 1816, further provides that all laws and regulations relating to pensions of officers and soldiers of the Regular Army shall relate equally to the officers and soldiers of the militia while in the service of the United States.

BLACK HAWK WAR

Page 10: Act of June 15, 1832, officers, noncommissioned officers, and privates raised for the protection of the frontier, in case of disability by wounds or otherwise incurred in the service, shall be entitled to like compensation as allowed to officers, noncommissioned officers, and privates in the Military Establishment of the United States.

INDIAN DEPREDATIONS IN FLORIDA

Page 11: Act of March 19, 1836—that the volunteers or militia shall be entitled to all the benefits conferred on persons wounded or otherwise disabled in the service of the United States.

CREEK WAR

Page 11: Act of May 23, 1836—the volunteers shall be entitled to all the benefits which may be conferred on persons wounded in the service of the United States.

MEXICAN WAR

Page 12: Section 4730, Revised Statutes: Officers and enlisted men whether of the Regular Army or volunteers, for total disability by reason of injury received or disease contracted, while in line of duty in service in the war with Mexico, shall receive half of the pay of their rank at the date on which the wound was received or the disease contracted, not exceeding half of the pay of a lieutenant colonel.

CIVIL WAR

Page 30: The act of July 14, 1862, states that the beneficiaries for disability shall be officers of the Army, including regulars, volunteers, and militia, marine, and enlisted men, however employed in the military or naval service [in the Civil War].

Page 31: Section 4695 gives the rate of pensions for total disability for the persons mentioned in the preceding paragraph:

	Per month
Lieutenant colonel and officers of higher rank	\$30
Major	25
Captain	20
First Lieutenant	17
Second Lieutenant	15
Certain other officers and warrant officers	10
All enlisted men	8

Page 175: Subsequent enactments as given below increased the pay of the disabled enlisted men through the medium of general-service pensions, but these enactments did not reduce the pay of the disabled officers, and the rate of pay of the disabled officers was not reached by the enlisted men through the enactment of service pensions until the act of May 11, 1912, which gave a general-service pension of \$30 a month to all officers and enlisted men of the Civil War who had reached the age of 75 years, and served two years or more.

SPANISH-AMERICAN WAR

The officers and enlisted men who incurred disability in the Spanish-American War, whether volunteer or regular, received pensions under the general pension law of July 14, 1862, which set the maximum for an officer at \$30 a month, and the enlisted personnel at \$8 a month for total disability.

The disabled emergency officer of the Spanish-American War continued to receive more than the disabled emergency enlisted men of this war until the act of June 5, 1920, when the enlisted men were granted a service pension with maximum payments of \$30 a month, a sum equal to the pay being received by the disabled officers with the rank of lieutenant colonel and above.

The laws to which I have referred show the settled policy of this country from the beginning, as fixed by our fathers. It has been the policy of this Government to fulfill its promises and its obligations to its people. It has been the standard of our courts of justice to pay compensation for injuries not based upon rank but upon that which measures the loss and the damage, and rank is the arbitrary rule we have in the Army which conveniently measures the earning capacity.

Mr. NEWTON. Will the gentleman yield?

Mr. ROY G. FITZGERALD. Yes.

Mr. NEWTON. In reference to the question of pensions: One of the propositions which has bothered me has been this provision in the selective draft act where the words "pay, allowances, and pensions" are used. That is, that emergency officers shall have the same pay, allowances, and pensions as officers of corresponding grades in the Regular Army. A few minutes ago the gentleman from Michigan cited the Spanish War provision of 1898, where identically the same language was used in reference to the volunteer officers in that war. The volunteer Spanish War Army officers

Mr. ROY G. FITZGERALD. Let me interrupt the gentleman right there. Every officer in the Spanish War was a volunteer officer.

Mr. NEWTON. Not the Regulars.

Mr. ROY G. FITZGERALD. Every one of them. They were all discharged and reenlisted over again.

Mr. NEWTON. Not those who were in the Regular Army.

Mr. ROY G. FITZGERALD. They were all volunteer officers.

Mr. NEWTON. The gentleman is wrong.

Mr. ROY G. FITZGERALD. Well, we differ about that.

Mr. MICHENER. If the gentleman will permit, that is true to this extent, that all of the men enlisting in the Regular Army volunteered. There was no draft law at that time, and that is the distinction.

Mr. NEWTON. But a West Pointer who was in the Army—

Mr. MICHENER (interposing). Was a volunteer.

Mr. NEWTON. He was a volunteer in the sense that he volunteered to go to West Point, but he was what we all know as a Regular.

Mr. ROY G. FITZGERALD. But all of the Regulars were discharged and enlisted over again.

Mr. NEWTON. Oh, no.

Mr. ROY G. FITZGERALD. Well, we differ on that.

Mr. NEWTON. The Spanish-American War volunteer officers were never considered to be eligible for retirement, although the provision relating to "pay, allowances, and pensions" is practically identical with the provision in the World War selective service act, which the committee cites. It seems to me to raise a distinction as to whether or not pensions are really retirement pay.

Mr. ROY G. FITZGERALD. Well, we have here the only legal decisions that I know of on the subject which say it is true, but the gentleman's suggestion is not a logical deduction. Because the Spanish war soldiers or officers were promised the right of retirement and did not get it, that therefore this promise should not be kept in this case, if a promise was made.

I may say to you that the one who represents the United Spanish War Veterans in legislative matters to-day is ex-Senator Means. He is thoroughly conversant with the matter, and he has stated, I am informed, that it is not to the advantage of the Spanish war officers to have retirement.

Mr. NEWTON. But the purpose of the question was to ascertain whether the gentleman had any other authority as to the construction of the word "pensions," because of the different way in which the Spanish war volunteer officers have been treated under the same provision.

Mr. WAINWRIGHT. If the gentleman will yield to me to put a question to the gentleman from Minnesota, is it not so that in considering and discussing retirement or pension matters generally that compensation by way of retirement has come to be considered as equivalent to compensation by way of pension? In other words, retirement compensation and pension compensation are practically synonymous.

Mr. NEWTON. I do not disagree with that; but the purpose of my rising and asking the question was to try to obtain some information in reference to the meaning of the word "pensions," and as to whether there was in effect a contract by reason of the provisions of section 10 of the selective service act.

Mr. WAINWRIGHT. My purpose in putting the question was to see whether the difficulty had not been removed on account of the word "retirement" not being mentioned in the selective draft act. If compensation by way of retirement and compensation by way of compensation are synonymous, what difference does it make?

Mr. STEVENSON. The Judge Advocate General decided that very question.

Mr. ROY G. FITZGERALD. I must call attention to two erroneous suggestions made in his earnest address by the gentleman from Nebraska [Mr. SIMMONS].

First. By accepting retirement under this act the widow and children would be thereafter deprived of their rights and benefits under the Veterans' Bureau act. This is not true, for all their rights are preserved. None is surrendered. No one can be worse off by reason of the passage of this bill.

Second. Dishonorably discharged officers might get the benefits of this act. This also is untrue. No officer can be retired under this act unless he "be rated in accordance with law at not less than 30 per cent permanent disability by the Veterans' Bureau for disability resulting directly from such war service" (see section 1 of the bill), and no one may be so rated "in accordance with law" by the Veterans' Bureau unless he have an honorable discharge. No compensation may be paid to any veteran who lacks an honorable discharge.

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. LA GUARDIA, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill S. 777, had come to no resolution thereon.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. CRAMTON (at the request of Mr. MAPES), indefinitely, on account of illness.

MINORITY VIEWS ON THE BILL H. R. 13509

Mr. WAINWRIGHT. Mr. Speaker, I ask unanimous consent to submit a supplementary statement to the minority views expressed by me on Report No. 1574, accompanying the bill H. R. 13509.

Mr. LA GUARDIA. What bill is that?

Mr. WAINWRIGHT. The promotion and retirement bill.

Mr. CHINDBLOM. Mr. Speaker, reserving the right to object, does the gentleman desire the statement printed along with the minority views?

Mr. WAINWRIGHT. It is for that purpose I am offering it.

The SPEAKER. Is there objection?

There was no objection.

MINORITY VIEWS ON THE ED HINES HOSPITAL BILL

Mr. RANKIN. Mr. Speaker, I ask unanimous consent that we may have five legislative days in which to file minority views on what is known as the Ed Hines hospital bill, reported from the Committee on World War Veterans' Legislation.

Mr. CHINDBLOM. Mr. Speaker, reserving the right to object, this will be without reference to its condition on the calendar?

Mr. RANKIN. I do not suppose it would have any effect on it.

Mr. CHINDBLOM. I have no objection if it will not affect the reporting of the bill or its place on the calendar.

Mr. RANKIN. I do not suppose it would be subject to consideration until we got our report in.

Mr. CHINDBLOM. That is never so. The filing of minority views never affects the prospect for consideration of a bill.

Mr. RANKIN. I would not want to interfere with the legislation.

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

There was no objection.

EXTENSION OF REMARKS

Mr. ROY G. FITZGERALD. Mr. Speaker, I ask unanimous consent that all those who have spoken or may speak on the bill (S. 777) may have the right to revise and extend their remarks in the RECORD.

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, I think the gentleman, if he is going to make the request, might just as well make it for everybody to have a certain number of days to extend their remarks, but I presume the gentleman can do that to-morrow as well as to-day.

Mr. ROY G. FITZGERALD. I am perfectly willing to enlarge the request.

Mr. RANKIN. If the gentleman will permit, I am not sure it is a wise policy to throw this open for the extension of remarks generally. I am willing for the gentleman's request to go through at the present time, but I would not like to open up the other proposition until a later day.

Mr. O'CONNELL. What disposition is the gentleman going to make with respect to the Members who do not get an opportunity to talk on the bill?

Mr. RANKIN. We will try to give them an opportunity to discuss the bill. If there is any Member who wants the privilege of extending his remarks he can come in and make the request, and I will perhaps not object to it.

The SPEAKER. Is there objection to the request of the gentleman from Ohio [Mr. ROY G. FITZGERALD].

Mr. TILSON. It is the understanding the request is with respect to any Member who has spoken or may speak on this bill.

The SPEAKER. Yes. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had concurred in concurrent resolutions of the House of the following titles:

H. Con. Res. 30. House concurrent resolution to provide for the printing of additional copies of the hearings held before the Committee on the District of Columbia of the House of Repre-

sentatives on bills relative to capital punishment in the District of Columbia.

H. Con. Res. 33. House concurrent resolution to print and bind the proceedings in Congress, together with the proceedings at the unveiling in Statuary Hall of the statue of President Andrew Jackson presented by the State of Tennessee.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED

Bills, joint resolutions, and a concurrent resolution of the following titles were taken from the Speaker's table and, under the rule, referred to the appropriate committees, as follows:

S. 363. An act for the relief of Louise M. Cambouri; to the Committee on Claims.

S. 456. An act to carry out the findings of the Court of Claims in the case of Edward I. Gallagher, of New York, administrator of the estate of Charles Gallagher, deceased; to the Committee on War Claims.

S. 513. An act for the relief of the Hottum-Kennedy Dry Dock Co., of Memphis, Tenn.; to the Committee on Claims.

S. 652. An act for the relief of Edgar Travis, sr.; to the Committee on Military Affairs.

S. 1182. An act to provide for the naming of certain highways through State and Federal cooperation, and for other purposes; to the Committee on Roads.

S. 1433. An act for the relief of J. C. Peixotto; to the Committee on Claims.

S. 1643. An act for the relief of Joseph J. Baylin; to the Committee on Claims.

S. 2304. An act for the relief of M. Seller & Co.; to the Committee on Ways and Means.

S. 2738. An act for the relief of C. R. Olberg; to the Committee on Indian Affairs.

S. 2802. An act to provide for the appointment of midshipmen at large by the Vice President of the United States; to the Committee on Naval Affairs.

S. 2804. An act for the relief of Robert O. Edwards; to the Committee on Military Affairs.

S. 3779. An act to authorize the construction of a telephone line from Flagstaff to Kayenta on the Western Navajo Indian Reservation, Ariz.; to the Committee on Indian Affairs.

S. 3828. An act to amend public law No. 254, approved June 20, 1906, known as the organic school law, so as to relieve individual members of the board of education of personal liability for acts of the board; to the Committee on the District of Columbia.

S. 4035. An act authorizing conveyance to the city of Hartford, Conn., of title to site and building of the present Federal building in that city; to the Committee on Public Buildings and Grounds.

S. 4135. An act to conserve the water resources and to encourage reforestation of the watersheds of Los Angeles County by the withdrawal of certain public lands included within the Angeles National Forest from location and entry under the mining laws; to the Committee on the Public Lands.

S. 4183. An act authorizing the filling of a vacancy occurring in the office of district judge for the northern district of Illinois created by the act entitled "An act for the appointment of an additional circuit judge for the fourth judicial circuit, for the appointment of additional district judges for certain districts, providing for an annual conference of certain judges, and for other purposes," approved September 14, 1922; to the Committee on the Judiciary.

S. 4235. An act to amend section 12 of the act entitled "An act to provide more effectively for the national defense by increasing the efficiency of the Air Corps of the Army of the United States, and for other purposes," approved July 2, 1926; to the Committee on Military Affairs.

S. 4338. An act to authorize the President to award in the name of Congress gold medals of appropriate design to Albert C. Read, Elmer F. Stone, Walter Hinton, H. C. Rodd, J. L. Breese, and Eugene Rhodes; to the Committee on Naval Affairs.

S. J. Res. 92. Joint resolution to provide for a monument to Maj. Gen. William Crawford Gorgas, late surgeon general of the United States Army; to the Committee on the Library.

S. J. Res. 114. Joint resolution authorizing assessments by levee, drainage, and road districts upon unreserved public lands in the St. Francis Levee district, State of Arkansas; to the Committee on Public Lands.

S. Con. Res. 18. Senate concurrent resolution to provide for the printing of the report of the Federal Trade Commission on Cooperative Marketing of Farm Products; to the Committee on Printing.

SENATE BILLS AND JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

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

S. 757. An act to extend the benefits of certain acts of Congress to the Territory of Hawaii;

S. 2004. An act authorizing the paving of the Federal strip known as International Street, adjacent to Nogales, Ariz.;

S. 2910. An act granting to the State of South Dakota for park purposes the public lands within the Custer State Park, S. Dak.

S. 3571. An act granting the consent of Congress to the county court of Roane County, Tenn., to construct a bridge across the Emery River at Suddaths Ferry, in Roane County, Tenn.;

S. 3740. An act for the control of floods on the Mississippi River and its tributaries, and for other purposes; and

S. J. Res. 135. Joint resolution making an emergency appropriation for flood protection on White River, Ark.

BILLS AND A JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States, for his approval, bills and a joint resolution of the House of the following titles:

H. R. 21. An act to provide for date of precedence of certain officers of the staff corps of the Navy;

H. R. 239. An act to amend section 110 of the national defense act by repealing and striking therefrom certain provisions prescribing additional qualifications for National Guard State staff officers, and for other purposes;

H. R. 244. An act to enable members of the Reserve Officers' Training Corps, who have interrupted the course of training prescribed in the act of June 4, 1920, to resume such training, and amended accordingly section 47c of that act;

H. R. 441. An act to authorize an appropriation to pay half the cost of a bridge and road on the Hoopa Valley Reservation, Calif.;

H. R. 1529. An act for the relief of the heirs of John Eimer;

H. R. 1537. An act for the relief of William R. Connolly;

H. R. 2658. An act for the relief of Finch R. Archer;

H. R. 3029. An act for the relief of Verne E. Townsend;

H. R. 3372. An act for the relief of George M. Browder and F. N. Browder;

H. R. 3442. An act for the relief of Clifford J. Sanghove;

H. R. 3936. An act for the relief of M. M. Edwards;

H. R. 4229. An act for the relief of Jennie Wyant and others;

H. R. 4588. An act authorizing an appropriation for the repair and resurfacing of roads on the Fort Baker Military Reservation, Calif.;

H. R. 4925. An act for the relief of John M. Savery;

H. R. 4993. An act for the relief of William Thurman Enoch;

H. R. 5398. An act for the relief of the heirs of the late Dr. Thomas C. Longino;

H. R. 5465. An act to amend section 1571 of the Revised Statutes to permit officers of the Navy to count duty on airships as sea duty;

H. R. 5531. An act to amend the provision contained in the act approved August 29, 1916, relating to the assignment to duty of certain officers of the United States Navy as fleet and squadron engineers;

H. R. 5746. An act to authorize the appraisal of certain Government property, and for other purposes;

H. R. 5789. An act to provide for the gratuitous issue of service medals and similar devices, for the replacement of the same, and for other purposes;

H. R. 5806. An act to authorize the purchase of real estate by the War Department;

H. R. 5968. An act for the relief of Byron Brown Ralston;

H. R. 5981. An act for the relief of Clarence Cleghorn;

H. R. 6436. An act for the relief of Mary E. O'Connor;

H. R. 6652. An act to fix the pay and allowances of the chaplain at the United States Military Academy;

H. R. 6844. An act concerning liability for participation in breaches of fiduciary obligations and to make uniform the law with reference thereto;

H. R. 6856. An act relating to the payment or delivery by banks, or other persons, or institutions in the District of Columbia of deposits of moneys and property held in the names of two or more persons, and for other purposes;

H. R. 7061. An act for the relief of William V. Tynes;

H. R. 7227. An act for the relief of William H. Dotson;

H. R. 7752. An act to limit the issue of reserve supplies or equipment held by the War Department;

H. R. 7937. An act to authorize mapping agencies of the Government to assist in preparation of military maps;

H. R. 8808. An act for the relief of Charles R. Wareham;

H. R. 9043. An act to authorize the payment of an indemnity to the Government of France on account of losses sustained by the owners of the French steamship *Madeleine* as the result of a collision between it and the U. S. S. *Kerwood*;

H. R. 9148. An act for the relief of Ensign Jacob E. DeGarmo, United States Navy;

H. R. 9363. An act to provide for the completion and repair of customs buildings in Porto Rico;

H. R. 10139. An act for the relief of Edmund F. Hubbard;

H. R. 10192. An act for the relief of Lois Wilson;

H. R. 10276. An act providing for sundry matters affecting the naval service;

H. R. 10544. An act to abolish the office of administrative assistant and disbursing officer in the Library of Congress and to reassign the duties thereof;

H. R. 10643. An act authorizing the Gulf Coast Properties (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across Lake Champlain, at or near Rouses Point, N. Y.;

H. R. 11692. An act authorizing the Gulf Coast Properties (Inc.), a Florida corporation, of Jacksonville, Duval County, Fla., its successors and assigns, to construct, maintain, and operate a bridge across Lake Champlain at or near East Alburg, Vt.;

H. R. 11741. An act for the relief of Thomas Edwin Huffman;

H. R. 11797. An act granting the consent of Congress to Columbus County, State of North Carolina, to construct, maintain, and operate a free highway bridge across the Waccamaw River at or near Reeves Ferry, Columbus County, N. C.;

H. R. 11808. An act authorizing an appropriation for the purchase of land at Selfridge Field, Mich.;

H. R. 11809. An act to authorize an appropriation to complete the purchase of real estate in Hawaii;

H. R. 11992. An act granting the consent of Congress to the Arkansas Highway Commission to construct, maintain, and operate a free highway bridge across the Current River at or near Biggers, Ark.;

H. R. 12899. An act authorizing the erection for the sole use of the Pan American Union of an office building on the square of land lying between Eighteenth Street, C Street, and Virginia Avenue NW, in the city of Washington, D. C.;

H. R. 13171. An act authorizing the Secretary of the Treasury to accept a franchise from the government of the city of New York to change the routing of the pneumatic-tube service between the customhouse and the present appraisers' stores building, and for other purposes; and

H. J. Res. 200. Joint resolution to amend section 10 of the act entitled "An act to establish the upper Mississippi River wild life and fish refuge," approved June 7, 1924.

ADJOURNMENT

Mr. ROY G. FITZGERALD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 59 minutes p. m.) the House adjourned until to-morrow, Friday, May 11, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Friday, May 11, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON AGRICULTURE

(10 a. m.)

To amend the United States grain standards act by inserting a new section providing for licensing and establishing laboratories for making determinations of protein in wheat and oil in flax (H. R. 106).

COMMITTEE ON THE POST OFFICE AND POST ROADS

(10 a. m.)

Providing for the reclassification of watchmen, messengers, and laborers in the Postal and Railway Mail Services of the United States in three grades, with increase in salary (H. R. 390).

To amend an act entitled "An act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates, to provide for such readjustment, and for other purposes," approved February 28, 1925 (H. R. 9955).

To provide a shorter workday on Saturday for postal employees (H. R. 9058 and H. R. 6505).

COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To amend section 5219 of the Revised Statutes, as amended (H. R. 8727).

COMMITTEE ON RIVERS AND HARBORS

(10 a. m.)

To consider a report from the Chief of the Army Engineers on the proposal to deepen the Great Lakes channel.

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To authorize the Secretary of the Navy to proceed with the construction of certain public works (H. R. 13319).

COMMITTEE ON THE PUBLIC LANDS

(10.30 a. m.)

To promote the better protection and highest public use of the lands of the United States and adjacent lands and waters in northern Minnesota for the production of forest products, the development and extension of recreational uses, the preservation of wild life, and other purposes not inconsistent therewith; and to protect more effectively the streams and lakes dedicated to public use under the terms and spirit of clause 2 of the Webster-Ashburton treaty of 1842 between Great Britain and the United States; and looking toward the joint development of indispensable international recreational and economic assets (H. R. 12780).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

493. A communication from the President of the United States, transmitting paragraph of legislation affecting existing appropriations for the Capitol power plant under the legislative establishment, office of the Architect of the Capitol (H. Doc. No. 270); to the Committee on Appropriations and ordered to be printed.

494. A communication from the President of the United States, transmitting for the consideration of Congress estimate of appropriations submitted by the several executive departments and establishments to pay claims for damages to privately owned property and damages by collision with naval and river and harbor vessels, in the sum of \$53,109.95. (H. Doc. No. 271); to the Committee on Appropriations and ordered to be printed.

495. A communication from the President of the United States, transmitting supplemental and deficiency estimates of appropriations for the District of Columbia for 1927 and prior fiscal years, \$50,455.67; for the fiscal year 1928, \$363,865.86; and for the fiscal year 1929, \$8,300; amounting in all to \$422,621.53, together with drafts of approved legislation affecting existing appropriations (H. Doc. No. 272); to the Committee on Appropriations and ordered to be printed.

496. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the Treasury Department for the fiscal year 1929, \$1,500 (H. Doc. No. 273); to the Committee on Appropriations and ordered to be printed.

497. A communication from the President of the United States, transmitting estimate of appropriation for the Post Office Department for the fiscal year 1925, \$657.83 (H. Doc. No. 274); to the Committee on Appropriations and ordered to be printed.

498. A communication from the President of the United States, transmitting supplemental estimate of appropriation amounting to \$35,000 for the Department of Agriculture for the fiscal year 1928, to remain available to June 30, 1929 (H. Doc. No. 275); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. LEHLBACH: Committee on the Civil Service. S. 1727. An act to amend the act entitled "An act to amend the act entitled 'An act for the retirement of employees in the classified civil service, and for other purposes,' approved May 22, 1920, and acts in amendment thereof," approved July 3, 1926, as amended; with amendment (Rept. No. 1580). Referred to the Committee of the Whole House on the state of the Union.

Mr. McFADDEN: Committee on Banking and Currency. S. 1989. An act to amend the third paragraph of section 13 of the Federal reserve act; with amendment (Rept. No. 1581). Referred to the House Calendar.

Mr. FURLOW: Committee on Military Affairs. H. R. 7939. A bill to authorize settlement of damages to persons and property by Army aircraft; without amendment (Rept. No. 1582). Referred to the Committee of the Whole House on the state of the Union.

Mr. MoSWAIN: Committee on Military Affairs. H. R. 11071. A bill providing for the purchase of 1,124 acres of land, more or less, in the vicinity of Camp Bullis, Tex., and authorizing an appropriation therefor; with amendment (Rept. 1583). Referred to the Committee of the Whole House on the state of the Union.

Mr. MoSWAIN: Committee on Military Affairs. H. R. 12106. A bill to create a national military park at Cowpens battle ground; with amendment (Rept. No. 1584). Referred to the Committee of the Whole House on the state of the Union.

Mr. MORROW: Committee on Irrigation and Reclamation. H. R. 11471. A bill extending the time of construction payments on the Rio Grande Federal irrigation project, New Mexico-Texas; with amendment (Rept. No. 1589). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. FURLOW: Committee on Military Affairs. H. R. 10093. A bill for the relief of Ferdinand Young, alias James Williams; with amendment (Rept. No. 1585). Referred to the Committee of the Whole House.

Mr. HOWARD of Oklahoma: Committee on Indian Affairs. H. R. 12604. A bill authorizing an advancement of certain funds standing to the credit of the Creek Nation in the Treasury of the United States to be paid to one of the attorneys for the Creek Nation, and for other purposes; with amendment (Rept. No. 1586). Referred to the Committee of the Whole House.

Mr. CARTWRIGHT: Committee on Indian Affairs. H. J. Res. 260. A joint resolution for the relief of Eloise Childers, Creek Indian, minor, roll No. 354; with amendment (Rept. No. 1587). Referred to the Committee of the Whole House.

Mr. WELCH of California: Committee on Pensions. H. R. 13302. A bill granting a pension to the survivors of the Jeanette relief expedition; with amendment (Rept. No. 1588). 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. ELLIOTT: A bill (H. R. 13665) to provide a building for the Supreme Court of the United States; to the Committee on Public Buildings and Grounds.

By Mr. MORIN: A bill (H. R. 13666) to amend section 14 of the national defense act; to the Committee on Military Affairs.

By Mr. PEAVEY: A bill (H. R. 13667) providing for pensions for Indians in old age; to the Committee on Indian Affairs.

By Mr. HAWLEY: A bill (H. R. 13668) authorizing the adjustment of the boundaries of the Siuslaw National Forest in the State of Oregon, and for other purposes; to the Committee on the Public Lands.

By Mr. MORROW: A bill (H. R. 13669) to amend the tariff act of 1922 in order to provide for a tariff on hides of cattle; to the Committee on Ways and Means.

By Mr. LEHLBACH: Resolution (H. Res. 190) providing for the consideration of S. 1727, an act to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof, approved July 3, 1926; 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. GILBERT: A bill (H. R. 13670) granting a pension to Violet Ann Williams; to the Committee on Invalid Pensions.

By Mr. HALL of North Dakota: A bill (H. R. 13671) granting a pension to George Benjamin Corbin; to the Committee on Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 13672) granting a pension to Caroline Ryder; to the Committee on Pensions.

By Mr. KURTZ: A bill (H. R. 13673) for the relief of John Burkett; to the Committee on Military Affairs.

By Mr. LONGWORTH: A bill (H. R. 13674) granting an increase of pension to Lenora C. Yoast; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13675) granting an increase of pension to Mary L. Emrie; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13676) granting an increase of pension to Martha M. Turner; to the Committee on Invalid Pensions.

By Mr. McLEOD: A bill (H. R. 13677) for the relief of Charles C. Kellogg; to the Committee on Claims.

By Mr. MoSWAIN: A bill (H. R. 13678) for the relief of Mrs. William G. Sirrine; to the Committee on Claims.

By Mr. RUBEY: A bill (H. R. 13679) granting an increase of pension to Mary A. McMican; to the Committee on Invalid Pensions.

By Mr. SANDERS of New York: A bill (H. R. 13680) granting an increase of pension to Eliza Goodell; to the Committee on Invalid Pensions.

By Mr. WEAVER: A bill (H. R. 13681) granting a pension to Mary Peterson; to the Committee on Pensions.

PETITIONS, ETC.

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

7543. Petition of New York City Federation of Women's Clubs, urging more adequate enforcement of the prohibition law; to the Committee on the Judiciary.

7544. By Mr. BECK of Pennsylvania: Petition of Philadelphia (Pa.) Board of Trade, opposing House bill 7759, entitled "A bill to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes"; to the Committee on the Judiciary.

7545. By Mr. BOYLAN: Brief submitted on behalf of the American Medical Association against the proposed increase in the tax imposed on physicians under the Harrison narcotic act, as amended; to the Committee on Ways and Means.

7546. Also, resolution adopted at meeting of the executive committee of the New York State Bar Association, opposing Senate bill 3151; to the Committee on the Civil Service.

7547. By Mr. CRAIL: Petition of post-office employees at San Pedro, Calif., favoring passage of Senate bill 1727; to the Committee on the Civil Service.

7548. By Mr. CULLEN: Resolution of New York Bar Association, in re Senate bill 3151; to the Committee on the Judiciary.

7549. By Mr. DOYLE: Memorial of the city council of Chicago, Ill., to amend subdivision (d) of section 116 of the proposed revenue bill, now pending; to the Committee on Ways and Means.

7550. By Mr. HILL of Washington: Petition of A. M. Birchell, of Spokane, Wash., and 630 others, protesting against House bill 78 and all other proposed compulsory Sunday-observance legislation; to the Committee on the District of Columbia.

7551. By Mr. HUDSON: Petition of citizens of Oxford, Mich., urging the enactment of legislation for the benefit of the veterans of the Civil War and widows of veterans; to the Committee on Invalid Pensions.

7552. By Mr. JOHNSON of Texas: Petition of N. B. Allen, of Bryan, Tex., opposing House bill 13246, affecting Army promotions; to the Committee on Rules.

7553. Also, petition of Tom S. Henderson, Jr.; J. K. Freeman; Giles L. Avriett; W. G. Gillis; Frank S. Lesovsky; Judge Jeff T. Kemp, county judge; W. M. Cobb, editor of Cameron Enterprise; Mrs. W. T. Hefley, postmaster; and Judge John Watson, district judge, expressing opposition to the McSwain amendment to the Wainwright bill affecting Army promotions; to the Committee on Rules.

7554. By Mr. KOPP: Petition of Sara J. Schofield and 30 other residents of Morning Sun, Iowa, and vicinity, favoring increased pensions for Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7555. By Mr. LINDSAY: Petition of the American Legion, Washington, D. C., desiring that the Tyson-Fitzgerald bill be passed, without amendment; to the Committee on World War Veterans' Legislation.

7556. Also, petition of Lieut. A. Nemser, New York City, urging passage of the Tyson-Fitzgerald bill without amendment; to the Committee on World War Veterans' Legislation.

7557. Also, petition of New York Cotton Exchange, urging suspension of vote on Vinson bill (H. R. 11017) entitled "Cotton futures trading act," until an opportunity has been given by this concern to submit additional facts; to the Committee on Agriculture.

7558. By Mr. MEAD: Petition of executive committee of the New York State Bar Association, in opposition to Senate bill 3151; to the Committee on the Judiciary.

7559. By Mr. O'CONNELL: Petition of the New York State Bar Association, opposing the passage of Senate bill 3151 amending

section 24 of the Judicial Code of the United States with respect to the jurisdiction of the United States courts; to the Committee on the Judiciary.

7560. Also, petition of the American Legion, national legislative committee, favoring the passage of the Tyson-Fitzgerald bill (S. 777), without amendment; to the Committee on World War Veterans' Legislation.

7561. Also, petition of Gardiner H. Miller, vice president New York Cotton Exchange, opposing the passage of the Vinson bill (H. R. 11017), entitled "Cotton futures trading act," with amendments; to the Committee on Agriculture.

7562. Also, petition of Lieut. A. Nemser, Brooklyn, N. Y., favoring the passage of the Tyson-Fitzgerald bill (S. 777) without amendment; to the Committee on World War Veterans' Legislation.

7563. Also, petition of the American Medical Association, opposing the proposed increase in the tax imposed on physicians under the Harrison narcotic act; to the Committee on Ways and Means.

7564. By Mr. O'CONNOR of New York: Resolution adopted by the executive committee of the New York State Bar Association, opposing the enactment of Senate bill 3151; to the Committee on the Judiciary.

7565. By Mr. SEGER: Petitions of the Passaic (N. J.) Board of Commissioners and the Passaic Industrial Relations Committee, calling attention to conditions in the hand machine embroidery industry in New Jersey and urging the United States Tariff Commission to expedite the investigation now under way; to the Committee on Ways and Means.

7566. By Mr. WASON: Petition of J. W. Peirce and 130 other residents of Claremont, N. H., urging that immediate steps be taken to bring to a vote a Civil War pension bill in order that relief may be accorded to needy and suffering veterans and widows of veterans; to the Committee on Invalid Pensions.

SENATE

FRIDAY, May 11, 1928

(*Legislative day of Thursday, May 3, 1928*)

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

THE VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11577) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1929, and for other purposes; that the House had receded from its disagreement to the amendment of the Senate No. 98 to the said bill and concurred therein; that the House had receded from its disagreement to the amendments of the Senate Nos. 56, 59, 80, 84, 85, 86, 99, and 102, and agreed thereto severally with an amendment, in which it requested the concurrence of the Senate; and that the House further insisted on its disagreement to the amendment of the Senate No. 100.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12875) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1929, and for other purposes; that the House had receded from its disagreement to the amendment of the Senate No. 46 to the said bill and concurred therein; and that the House had receded from its disagreement to the amendments of the Senate Nos. 42 and 43, and agreed thereto each with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H. R. 4664) for the relief of Capt. George R. Armstrong, United States Army, retired.

ENROLLED BILLS SIGNED

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

S. 3598. An act authorizing Dupo Bridge Co., a Missouri corporation, its successors and assigns, to construct, maintain, and operate a combined highway and railroad bridge across the Mississippi River at or near Carondelet, Mo.; and

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

COTTON-PRICE PREDICTIONS

THE VICE PRESIDENT. Under the unanimous-consent agreement entered into last evening the Chair lays before the Senate Calendar No. 866, the bill (S. 3845) to prohibit predictions with respect to cotton prices in any report, bulletin, or other publication issued by any department or other establishment in the executive branch of the Government.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Agriculture and Forestry with an amendment, on page 1, line 8, after the word "cotton," to strike out the words "corn (maize), wheat, rye, oats, barley, flaxseed, or other grain, or" and to insert the word "or," so as to make the bill read:

Be it enacted, etc. That it shall be unlawful for any officer or employee of any department or other establishment in the executive branch of the Government to include, or cause to be included, in any report, bulletin, or other publication issued by such department or establishment any prediction with respect to prices of cotton, or to cause to be published any such report, bulletin, or other publication containing any such prediction, or to authorize the publication of any statement or interview containing any such prediction which is based upon information received from official sources. Any such officer or employee who violates the provisions of this act shall, upon conviction thereof, be fined not less than \$10,000 or imprisoned for not more than five years, or both.

THE VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

MR. HEFLIN. Mr. President, I have just been reminded that at 3 o'clock this afternoon the Senate will engage in memorial services for the late Senator Willis, of Ohio. I do not desire to make a speech, therefore, at this time. I am willing to have a vote on the bill.

MR. SHORTRIDGE. Mr. President, I promise the Senate I shall detain it but a few moments to make a brief statement in regard to the bill now pending.

First, I wish to invite attention to the fact that on March 29 last the chairman of the Committee on Agriculture and Forestry, the very able and broad-minded Senator from Oregon [Mr. McNARY], called up for further consideration House bill 11577, the Agricultural Department appropriation bill. After full consideration of that important appropriation bill the committee, through its chairman, had reported it, with certain amendments.

The first amendment proposed by the Committee on Appropriations was, under the heading "Office of Secretary, salaries," on page 3, line 14, before the word "cotton," to insert "wheat and," so as to "make the further proviso read."

The proviso as amended by including "wheat," which many deemed wise, took on this form and passed the Senate in this form, namely:

Provided further, That no part of the funds appropriated by this act shall be used for the payment of any officer or employee of the Department of Agriculture who, as such officer or employee, or on behalf of the department or any division, commission, or bureau thereof, issues or causes to be issued, any prediction, oral or written, or forecast with respect to future prices of wheat and cotton or the trend of same.

The Senate, presumably made up of thoughtful men who think of more things than one, deemed it wise to add to the House bill the words "wheat and," so that those predictions in respect of prices, considered harmful, should not be made in respect of either of those two great agricultural products—wheat and cotton. In that form the bill passed the Senate and went into conference, and not until this morning have we received the report of our committee on conference. I was advised but a moment ago that for reasons which I do not now understand the conference committee has eliminated the words "wheat and," so that the Agricultural Department appropriation bill, in so far as the proviso which we have under consideration is concerned, remains as it came to us from the House and applies only to the prediction of prices in respect of cotton. I am not quarreling and I never have quarreled over this proposition, but in order that the RECORD may stand for anyone who hereafter may be interested in looking it over, I have sought an opportunity to state what I have said and now proceed to say.

The appropriation bill passed the House about March 3. Coming to the Senate it passed the Senate, as I have stated, on March 29, containing the proviso as an amendment by this body. The Senator from Alabama, feeling—I must assume and I do assume—that he was rendering a public service, a few days