Charles E. Zink, Sterling.
Floyd M. Ritchie, Table Rock.
Carl Carlson, Valparaiso.

NEW JERSEY

Wilson S. Frederick, Dunellen.

NORTH CAROLINA

Thomas S. Keeter, Grover.
James W. Stanton, La Grange.
Joseph B. Sparger, Mount Airy.
Frank Dudgeon, Pinehurst.
Benjamin F. Griffin, Pinesville.
John N. Powell, Southern Pines.
John M. Sharpe, Statesville.

OHIO

Wilbur R. Meredith, Painesville.

PENNSYLVANIA

William H. Harper, Avondale.
Calvin E. Cook, Dillsburg.
Joseph S. Gillingham, Lincoln University.
Margaret V. Roush, Marysville.
S. Charles McClellan, Mifflin.
George A. Hill, Newtown.

VERMONT

Casper W. Landman, South Londonderry.
Lester K. Oakes, Stowe.
Claude C. Duval, West Burke.

WASHINGTON

Trygve Lien, Stanwood.
Robert J. Robertson, White Salmon.

WISCONSIN

Charles L. Calkins, Rhinelander.
Charles E. Sage, Wild Rose.

WYOMING

Benjamin G. Rodda, Gebo.

HOUSE OF REPRESENTATIVES

THURSDAY, *May 17, 1928*

The House met at 12 o'clock noon.

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

We would say, Still! still! with Thee O Father of mercies! The hand that holds the earth, the sky, and the sea is the same that holds all earthly children in its palm. This new day finds us unafraid, and may we come to it with renewed vigor. Keep before us life's richest vocation and heaven's highest attainment. On the altars of our hearts make steadfast the sacred lights of faith, hope, and charity, and may they burn there with a quenchless flame. O let Thy blessing, so abundant, so free, and so divine, abide with all who are associated with this Chamber. Be with our families and all our earthly loves. In that solemn, silent moment when earth and time yield to heaven and eternity, may the golden light break from behind the everlasting hills. Amen.

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

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills and a joint resolution of the House of the following titles:

H. R. 4012. An act for the relief of Charles R. Sies;

H. R. 4660. An act to correct the military record of Charles E. Lowe;

H. R. 4687. An act to correct the military record of Albert Campbell;

H. R. 4839. An act for the relief of the Press Publishing Co., Marianna, Ark.;

H. R. 5322. An act for the relief of John P. Stafford;

H. R. 5548. An act to authorize payment of six months' death gratuity to dependent relatives of officers, enlisted men, or nurses whose death results from wounds or disease not resulting from their own misconduct;

H. R. 5644. An act to enable an enlisted man in the naval service to make good time lost in excess of one day under certain conditions;

H. R. 5718. An act to amend the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service";

H. R. 5826. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Louisiana State Museum, of the city of New Orleans, La., the silver bell in use on the cruiser *New Orleans;*

H. R. 5930. An act for the relief of Jesse W. Boisseau;

H. R. 6152. An act for the relief of Cromwell L. Barsley;

H. R. 6195. An act granting six months' pay to Constance D. Lathrop;

H. R. 6842. An act for the relief of Joseph F. Friend;

H. R. 6854. An act to add certain lands to the Montezuma National Forest, Colo., and for other purposes;

H. R. 7142. An act for the relief of Frank E. Ridgely, deceased;

H. R. 7895. An act for the relief of the Lagrange Grocery Co.;

H. R. 7897. An act to ratify the action of a local board of sales control in respect of contracts between the United States and the West Point Wholesale Grocery Co., of West Point, Ga.;

H. R. 7898. An act to ratify the action of a local board of sales control in respect of contracts between the United States and the Lagrange Grocery Co., of Lagrange, Ga.;

H. R. 7903. An act to authorize the erection at Clinton, Sampson County, N. C., of a monument in commemoration of William Rufus King, former Vice President of the United States;

H. R. 8031. An act for the relief of Higgins Lumber Co. (Inc.);

H. R. 8440. An act for the relief of F. C. Wallace;

H. R. 9046. An act to continue the allowance of Sioux benefits;

H. R. 9355. An act to provide for the acquisition of certain property in the District of Columbia for the Library of Congress, and for other purposes;

H. R. 9620. An act for the relief of E. H. Jennings, F. L. Johanns, and Henry Blank, officers and employees of the post office at Charleston, S. C.;

H. R. 9965. An act to erect a tablet or marker to mark the site of the Battle of Kettle Creek, in Wilkes County, Ga., where, on February 14, 1779, Elijah Clark, of Georgia, and Colonel Pickens, of South Carolina, overtook the Tories under Colonel Boyd, killing him and many of his followers, thus ending British dominion in Georgia;

H. R. 10503. An act for the relief of R. P. Washam, F. A. Slate, W. H. Sanders, W. A. McGinnis, J. E. Lindsay, and J. T. Pearson;

H. R. 11405. An act to acquire an area of State land situate in Lassen Volcanic National Park, State of California, by exchange;

H. R. 11621. An act to authorize the Secretary of the Navy to advance public funds to naval personnel under certain conditions;

H. R. 11724. An act to provide for the paving of the Government road, known as the Ringgold Road, extending from Chickamauga and Chattanooga National Military Park, in the State of Georgia, to the town of Ringgold, Ga., constituting an approach road to the Chickamauga and Chattanooga National Military Park;

H. R. 12067. An act to set aside certain lands for the Chippewa Indians in the State of Minnesota;

H. R. 12192. An act authorizing the Secretary of the Interior to accept a deed to certain land and issue patent therefor to the city of Buhl, Twin Falls County, Idaho;

H. R. 12446. An act to approve a deed of conveyance of certain land in the Seneca Oil Spring Reservation, N. Y.; and

H. J. Res. 263. Joint resolution authorizing the president and fellows of Harvard College to erect on public grounds in the District of Columbia a monument to Maj. Gen. Artemas Ward.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House of Representatives was requested, bills of the House of the following titles:

H. R. 3470. An act granting relief to Halvert S. Sealy and Portens R. Burke;

H. R. 4920. An act authorizing the Secretary of War to award a Nicaraguan campaign badge to Capt. James P. Williams, in recognition of his services to the United States in the Nicaraguan campaign of 1912 and 1913;

H. R. 5897. An act for the relief of Mary McCormick;

H. R. 6518. An act to amend the salary rates contained in the compensation schedules of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services";

H. R. 6569. An act for the relief of Frank Hartman;

H. R. 6908. An act for the relief of Michael Ilitz;

H. R. 7373. An act providing for the meeting of electors of President and Vice President and for the issuance and trans-

mission of the certificates of their selection and of the result of their determination, and for other purposes; and

H. R. 13511. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The message further announced that the Senate agrees to the amendments of the House of Representatives to the amendments of the Senate numbered 46 and 52 to the bill (H. R. 12286) entitled "An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1929, and for other purposes."

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

S. 126. An act for the relief of May Gordon Rodes and Sara Louis Rodes, heirs at law of Tyree Rodes, deceased;

S. 200. An act for the relief of Mary L. Roebken and Esther M. Roebken;

S. 1364. An act for the relief of R. Wilson Selby;

S. 1618. An act for the relief of Margaret W. Pearson and John R. Pearson, her husband;

S. 1633. An act for the relief of Edward A. Blair;

S. 1976. An act for the appointment of an additional circuit judge for the second judicial court;

S. 2149. An act authorizing and directing the Secretary of Agriculture to investigate all phases of crop insurance;

S. 2440. An act to provide that four hours shall constitute a day's work on Saturdays throughout the year for all employees in the Government Printing Office;

S. 2482. An act for the relief of the White River, Uintah, Uncompahgre, and Southern Ute Tribes or Bands of Ute Indians in Utah, Colorado, and New Mexico;

S. 2572. An act granting certain land in the town of Hot Springs, N. Mex., to the State of New Mexico;

S. 2792. An act revesting title to certain lands in the Yankton Sioux Tribe of Indians;

S. 3127. An act to amend section 217, as amended, of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909;

S. 3327. An act for the relief of Robert B. Murphy;

S. 3427. An act authorizing the Secretary of the Navy to make readjustment of pay to Gunner W. H. Anthony, jr., United States Navy (retired);

S. 3690. An act to correct the military record of Harlie O. Hacker;

S. 3692. An act to amend the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922, as amended;

S. 3694. An act regulating juvenile insurance by fraternal beneficial associations in the District of Columbia;

S. 3844. An act amending the fraternal beneficial association law for the District of Columbia as to payment of death benefits;

S. 3848. An act creating the Mount Rushmore National Memorial Commission and defining its purposes and powers;

S. 3867. An act to provide for the extension of the time of certain mining leases of the coal and asphalt deposits in the segregated mineral land of the Choctaw and Chickasaw Nations, and to permit an extension of time to the purchasers of the coal and asphalt deposits within the segregated mineral lands of the said nations to complete payments of the purchase price, and for other purposes;

S. 3868. An act 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 the attorney for the Creek Nation, and for other purposes;

S. 3881. An act to provide for the paving of the Government road, known as the Dry Valley Road, commencing where said road leaves the La Fayette Road, in the city of Rossville, Ga., and extending to Chickamauga and Chattanooga National Military Park, constituting an approach road to said park;

S. 3942. An act for the relief of Maj. Charles F. Eddy;

S. 3949. An act to amend section 10 of an act entitled "An act to provide for stock-raising homesteads, and for other purposes," approved December 29, 1916 (Public, No. 290, 64th Cong.);

S. 4063. An act to amend certain sections of the teachers' salary act, approved June 4, 1924, and for other purposes;

S. 4085. An act to prevent professional prize fighting and to authorize amateur boxing in the District of Columbia, and for other purposes;

S. 4187. An act for the relief of Con Murphy;

S. 4231. An act to authorize a per capita payment to the Pine Ridge Sioux Indians of South Dakota;

S. 4234. An act authorizing the purchase of certain lands by John P. Whiddon;

S. 4309. An act to authorize the Secretary of Commerce to dispose of a certain lighthouse reservation and to acquire certain land for lighthouse purposes;

S. 4327. An act to relinquish the title of the United States to land in the claim of Seth Dean situate in the county of Washington, State of Alabama;

S. 4344. An act granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across White River at or near Clarendon, Ark.;

S. 4345. An act authorizing the Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Kansas City, Kans.;

S. 4346. An act to authorize an appropriation for the purchase of certain privately owned lands within the Fort Apache Indian Reservation, Ariz.;

S. 4353. An act authorizing Huntington Clarksburg Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Kanawha River at or near Winfield, Putnam County, W. Va.;

S. 4357. An act authorizing Henry Horsey, Winfield Scott, A. L. Ballegoin, and Frank Schee, their heirs, legal representatives, and assigns, to construct and operate a bridge across the Des Moines River at or near Croton, Iowa;

S. 4381. An act authorizing H. A. Rinder, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Niobrara, Nebr.;

S. 4401. An act authorizing Elmer J. Cook, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Bear Creek at or near Lovel Point, Baltimore County, Md.;

S. 4402. An act authorizing the Secretary of the Navy to assign to the Chief of Naval Operations the public quarters originally constructed for the Superintendent of the Naval Observatory, in the District of Columbia;

S. 4441. An act to amend the laws relating to assessment and collection of taxes in the District of Columbia, and for other purposes;

S 4454. An act for the relief of Jess T. Fears;

S. J. Res. 99. Joint resolution to amend joint resolution directing the Interstate Commerce Commission to take action relative to adjustments in the rate structure of common carriers subject to the interstate commerce act, and the fixing of rates and charges; and

S. J. Res. 131. Joint resolution providing for the participation by the United States in the International Conference for the Revision of the Convention of 1914 for the Safety of Life at Sea.

The message further announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 744) entitled "An act to further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 3555) entitled "An act to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce."

The message further announced that the Senate agrees 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. 10159) entitled "An act granting pensions and increase of pensions to widows and former widows of certain soldiers, sailors, and marines of the Civil War, and for other purposes."

LOUIE JUNE

Mr. UNDERHILL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table H. R. 2473, for the relief of Louie June, with a Senate amendment, and agree to the Senate amendment. I do this by authorization of the committee.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to take from the Speaker's table H. R. 2473, with a Senate amendment, and agree to the Senate amendment. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill and the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment.

The Senate amendment was agreed to.

CONVICT-MADE GOODS

Mr. McSWAIN. Mr. Speaker, I desire to state, in amplification of the RECORD of May 15, that when the House had under consideration the bill to regulate interstate commerce with reference to prison-made goods the gentleman from Michigan [Mr. JAMES] was in the hospital. He asked me to arrange a pair for him, and I made an effort to arrange a live pair. The gentleman from Michigan desired to vote in favor of the bill and if he had been present would have voted in favor of it.

STANDARDS FOR HAMPERS, ROUND STAVE BASKETS, AND SPLINT BASKETS FOR FRUITS AND VEGETABLES

Mr. PERKINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate bill 2148, to fix standards for hampers, round stave baskets, and splint baskets for fruits and vegetables, and for other purposes, and consider the same in the House as in Committee of the Whole.

The SPEAKER. The gentleman from New Jersey asks unanimous consent to take from the Speaker's table Senate bill 2148 and consider the same in the House as in Committee of the Whole. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I think the gentleman should state whether the Senate bill is identical with a House bill favorably reported by a committee of the House.

Mr. PERKINS. It is identical with House bill 8907, with two or three verbal changes, which bill has been passed by the House.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the standard hampers and round stave baskets for fruits and vegetable shall be of the following capacities: One-eighth bushel, ¼ bushel, ½ bushel, ⅝ bushel, ¾ bushel, 1 bushel, 1¼ bushels, 1½ bushels, and 2 bushels, which, respectively, shall be of the cubic content set forth in this section. For the purposes of this act a bushel, standard dry measure, has a capacity of 2,150.42 cubic inches.

(a) The standard ⅛-bushel hamper or round stave basket shall contain 268.8 cubic inches.

(b) The standard ¼-bushel hamper or round stave basket shall contain 537.6 cubic inches.

(c) The standard ½-bushel hamper or round stave basket shall contain 1,075.21 cubic inches.

(cc) The standard ⅝-bushel hamper or round stave basket shall contain 1,344 cubic inches.

(d) The standard ¾-bushel hamper or round stave basket shall contain 1,612.8 cubic inches.

(e) The standard 1-bushel hamper or round stave basket shall contain 2,150.42 cubic inches.

(f) The standard 1¼-bushel hamper or round stave basket shall contain 2,686 cubic inches.

(g) The standard 1½-bushel hamper or round stave basket shall contain 3,225.63 cubic inches.

(h) The standard 2-bushel hamper or round stave basket shall contain 4,300.84 cubic inches.

SEC. 2. That the standard splint baskets for fruits and vegetables shall be the 4-quart basket, 8-quart basket, 12-quart basket, 16-quart basket, 24-quart basket, and 32-quart basket, standard dry measure. For the purposes of this act a quart standard dry measure has a capacity of 67.2 cubic inches.

(a) The 4-quart splint basket shall contain 268.8 cubic inches.

(b) The 8-quart splint basket shall contain 537.6 cubic inches.

(c) The 12-quart splint basket shall contain 806.4 cubic inches.

(d) The 16-quart splint basket shall contain 1,075.21 cubic inches.

(e) The 24-quart splint basket shall contain 1,612.8 cubic inches.

(f) The 32-quart splint basket shall contain 2,150.42 cubic inches.

SEC. 3. That the Secretary of Agriculture shall in his regulations under this act prescribe such tolerances as he may find necessary to allow in the capacities for hampers, round stave baskets, and splint baskets set forth in sections 1 and 2 of this act in order to provide for reasonable variations occurring in the course of manufacturing and handling. If a cover be used upon any hamper or basket mentioned in this act, it shall be securely fastened or attached in such a manner, subject to the regulations of the Secretary of Agriculture, as not to reduce the capacity of such hamper or basket below that prescribed therefor.

SEC. 4. That no manufacturer shall manufacture hampers, round stave baskets, or splint baskets for fruits and vegetables unless the dimension specification for such hampers, round stave baskets, or splint baskets shall have been submitted to and approved by the Secretary of Agriculture, who is hereby directed to approve such specifications if he finds that hampers, round stave baskets, or splint baskets for fruits and vegetables made in accordance therewith would not be deceptive in appearance and would comply with the provisions of sections 1 and 2 of this act.

SEC. 5. That it shall be unlawful to manufacture for sale or shipment, to offer for sale, to sell, to offer for shipment, or to ship, hampers, round stave baskets, or splint baskets for fruits or vegetables, either filled or unfilled, or parts of such hampers, round stave baskets, or splint baskets that do not comply with this act: *Provided*, That this act shall not apply to Climax baskets, berry boxes, and till baskets which comply with the provisions of the act approved August 31, 1916, entitled "An act to fix standards for Climax baskets for grapes and other fruits and vegetables, and to fix standards for baskets and other containers for small fruits, berries, and vegetables, and for other purposes" (39 U. S. Stat. L. 673), and the regulations thereunder. Any individual, partnership, association, or corporation that violates this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding $500: *Provided further*, That no person shall be prosecuted under the provisions of this act when he can establish a guaranty signed by the manufacturer, wholesaler, shipper, or other party residing within the United States from whom the hampers, round stave baskets, or splint baskets, as defined in this act, were purchased, to the effect that said hampers, round stave baskets, or splint baskets are correct, within the meaning of this act. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of the hampers, round stave baskets, or splint baskets to such person, and in such case such party or parties making such sale shall be amenable to the prosecution, fines, and other penalties which would attach in due course under the provisions of this act to the person who made the purchase.

SEC. 6. That any hamper, round stave basket, or splint basket for fruits or vegetables, whether filled or unfilled, or parts of such hampers, round-stave baskets, or splint baskets not complying with this act, which shall be manufactured for sale or shipment, offered for sale, sold, or shipped, may be proceeded against in any district court of the United States within the district where the same shall be found and may be seized for confiscation by a process of libel for condemnation. Upon request the person entitled shall be permitted to retain or take possession of the contents of such hampers or baskets, but in the absence of such request, or when the perishable nature of such contents makes such action immediately necessary, the same shall be disposed of by destruction or sale, as the court or a judge thereof may direct. If such hampers, round-stave baskets, splint baskets, or parts thereof be found in such proceeding to be contrary to this act, the same shall be disposed of by destruction, except that the court may by order direct that such hampers, baskets, or parts thereof be returned to the owner thereof or sold upon the payment of the costs of such proceedings and the execution and delivery of a good and sufficient bond to the effect that such hampers, baskets, or parts thereof shall not be sold or used contrary to law. The proceeds of any sale under this section, less legal costs and charges, shall be paid over to the person entitled thereto. The proceedings in such seizure cases shall conform as near as may be to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in such case, and all such proceedings shall be at the suit and in the name of the United States.

SEC. 7. That this act shall not prohibit the manufacture for sale or shipment, offer for sale, sale, or shipment of hampers, round stave baskets, splint baskets, or parts thereof, to any foreign country in accordance with the specifications of a foreign consignee or customer not contrary to the law of such foreign country; nor shall this act prevent the manufacture or use of banana hampers of the shape and character now in commercial use as shipping containers for bananas.

SEC. 8. That it shall be the duty of each United States district attorney to whom satisfactory evidence of any violation of this act is presented to cause appropriate proceedings to be commenced and prosecuted in the proper courts of the United States in his district for the enforcement of the provisions of this act.

SEC. 9. That the Secretary of Agriculture shall prescribe such regulations as he may find necessary for carrying into effect the provisions of this act, and shall cause such examinations and tests to be made as may be necessary in order to determine whether hampers, round-stave baskets, and splint baskets, or parts thereof, subject to this act, meet its requirements, and may take samples of such hampers, baskets, or parts thereof, the cost of which samples, upon request, shall be paid to the person entitled.

SEC. 10. That for carrying out the purposes of this act the Secretary of Agriculture is authorized to cooperate with State, county, and municipal authorities, manufacturers, dealers, and shippers, to employ such persons and means, and to pay such expenses, including rent, printing publications, and the purchase of supplies and equipment in the District of Columbia and elsewhere, as he shall find to be necessary, and there

are hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary for such purposes.

SEC. 11. That sections 5 and 6 of this act shall become effective at, but not before, the expiration of one year following the 1st day of November next succeeding the passage of this act.

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

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

MUSCLE SHOALS

The SPEAKER. The Chair appoints as conferees on the Muscle Shoals bill the following Members: Messrs. MORIN, JAMES, REECE, QUIN, and WRIGHT.

BATTLE OF KETTLE CREEK

Mr. BRAND of Georgia. Mr. Speaker, last week I obtained consent to extend my remarks on H. R. 9965 in reference to the Kettle Creek battle field, in Wilkes County, Ga. I want to insert some extracts from three or four histories and a part of the report, but I did not get permission to do so. Under the rule recently announced by the Speaker I now ask that permission.

The SPEAKER. The gentleman from Georgia asks unanimous consent to add to his remarks certain extracts from historical works. Is there objection?

There was no objection.

Mr. BRAND of Georgia. Mr. Speaker, by unanimous consent of the House of Representatives to extend my remarks on House bill 9965, a bill to erect a tablet or marker to mark the site of the Battle of Kettle Creek, in Wilkes County, Ga., where on February 14, 1779, Elijah Clarke, of Georgia, and Colonel Pickens, of South Carolina, overtook the Tories under Colonel Boyd, a British soldier, killing him and many of his followers, thus ending British dominion in Georgia, I submit the following information regarding the Battle of Kettle Creek. This narrative of facts is taken from different histories that have dealt with this Revolutionary battle, viz: The Georgia Historical Quarterly, published by the Georgia Historical Society, volume 10, 1926, Otis Ashemore and Charles H. Olmstead being the authors of the articles on the Kettle Creek Battle; McCall's History of Georgia; History of South Carolina, 1858, by Ramsey; History of North Carolina, 1908, by Ashemore; Story of Georgia, 1900, by Jones.

Messrs. Ashemore and Olmstead, in dealing with the Battles of Kettle Creek and Brier Creek, say:

Many of the battles of the Revolution fought on southern soil are involved in much obscurity, and Time's effacing fingers are rapidly consigning to oblivion the remaining fragments of the past. The South has been far too neglectful in recording and preserving its history.

The special story of the South during the Revolution has been told by several well-known historians. In general they all agree on the important points about the Battle of Kettle Creek.

Colonel Boyd was an Irishman by birth, but lived in South Carolina. He was a bold, notorious, and dishonest Tory, who was bribed by Sir Henry Clinton to raise an insurrection in the back country of South Carolina as soon as the British captured Savannah. His followers were thieves, robbers, and murderers. He tried to make a junction with the notorious McGirth, but was killed at the Battle of Kettle Creek.

From all the reports that come to us from the Revolutionary days we can well understand that the force which had gone raging through South Carolina was worthy of the reputation borne by its leader, Boyd. Lossing, in his Field Book of the Revolution, speaks of them as—

bandits and murderers. Wherever they went through the Palmetto State they left a broad track of blood and pillage. No man's life was safe from their murderous weapons, be he soldier or simple farmer citizen. The virtue of no woman could be guarded from their treacherous brutality. No humble cottage escaped their flaming torches.

And now these bandits were coming across the Savannah River into Georgia to continue the nameless horrors begun in Carolina. Wherever a southern soldier breathed there was a fixed resolution that Boyd's band must be wiped out, and that speedily.

Gen. Elijah Clarke was born in North Carolina, and in 1744 he moved to Wilkes County, Ga. He took a prominent part in the skirmishes with the Indians. He commanded the left wing of the American forces at the Battle of Kettle Creek, and contributed largely to the great victory over the Tories under Boyd at that place. He was at the sieges of Savannah and Augusta. He was a brave and patriotic "diamond in the rough," with an interesting career. He died January 15, 1799, and was buried in Lincoln County, Ga. His will is on record at Lincolnton.

In his History of Georgia, Charles C. Jones, jr., gives the following description of the Battle of Kettle Creek:

Retiring from Carrs Fort the Americans recrossed the Savannah River near Fort Charlotte and advanced toward the Long Cane settlement to meet Colonel Boyd. Hearing of his advance, Capt. Robert Anderson, of Colonel Pickens's regiment, summoning to his aid, Capts. Joseph Pickens, William Baskin, and John Miller, with their companies crossed the Savannah River with a view to annoying Boyd when he should attempt the passage of that stream. He was subsequently joined by some Georgians under Capt. James Little. Retreating rapidly, Captain Anderson formed a junction with Colonels Pickens and Dooly and united in the pursuit of the enemy. On the 12th of February, passing the Savannah River at the Cedar shoal, the Americans advanced to the Fish Dam ford, on Broad River. The command had now been reinforced by Colonel Clarke and 100 dragoons. Captain Neal with a part of observation, was detached to hang upon the enemy's rear, and, by frequent couriers, keep the main body well advised of Boyd's movements.

Shaping his course to the westward, and purposing a junction with McGirth at a point agreed upon on Little River, the enemy on the morning of the 13th crossed Broad River, near the fork, at a place subsequently known as Webbs Ferry. Informed of this movement, the Americans passed over Broad River and encamped for the night on Clarkes Creek, within 4 miles of the loyalists. Early on the morning of the 14th the Americans advanced rapidly but cautiously. Wherever the surface of the country permitted, their line of march was the order of battle. A strong vanguard moved 150 paces in front. The right and left wings, consisting each of 100 men, were commanded, respectively, by Colonels Dooly and Clarke. The center, numbering 200 men, was led by Colonel Pickens. Officers and men were eager for the fray and confident of victory. Soon the ground was reached where the enemy had encamped during the preceding night.

Seemingly unconscious of the approach of danger, the loyalist commander had halted at a farm on the north side of Kettle Creek and turned out his horses to forage among the reeds which lined the edge of the swamp. His men, who had been on short allowance for three days, were slaughtering bullocks and parching corn. Colonel Boyd's second officer was Lieutenant Colonel Moore, of North Carolina, who is said to have been deficient both in courage and in military skill. The third in command, Major Spurgen, was brave and competent.

As Colonel Pickens neared the enemy Captain McCall was ordered to reconnoiter his position and, unperceived, to acquire the fullest possible information of the status of affairs. Having completed his observations, that officer reported the encampment formed at the edge of the farm near the creek on an open piece of ground flanked on two sides by a cane swamp, and that the enemy was apparently in utter ignorance of any hostile approach. The Americans then advanced to the attack. As they neared the camp the pickets fired and retreated. Hastily forming his line in rear of his encampment and availing himself of the shelter afforded by a fence and some fallen timber, Boyd prepared to repel the assault. Colonel Pickens, commanding the American center, obliqued a little to the right to take advantage of more commanding ground. The right and left divisions were somewhat embarrassed in forcing their way through the cane, but soon came gallantly into position. Colonel Boyd defended the fence with great bravery but was finally overpowered and driven back upon the main body. While retreating he fell mortally wounded, pierced with three balls, two passing through his body and the third through his thigh.

The conflict now became close, warm, and general. Some of the enemy, sore pressed, fled into the swamp and passed over the creek, leaving their horses, baggage, and arms behind them.

After a contest lasting an hour the Tories retreated through the swamp. Observing a rising ground on the other side of the creek and in rear of the enemy's right, on which he thought the loyalists would attempt to form, Colonel Clarke, ordering the left wing to follow him, prepared to cross the stream. At this moment his horse was killed under him. Mounting another, he followed a path which led to a ford and soon gained the side of the hill, just in time to attack Major Spurgen, who was endeavoring to form his command upon it. He was then accompanied by not more than a fourth of his division, there having been some mistake in extending the order.

The firing, however, soon attracted the attention of the rest of his men, who rushed to his support. Colonels Pickens and Dooly also pressed through the swamp, and the battle was renewed with much vigor on the other side of the creek. Bloody and obstinate was the conflict. For some time the issue seemed doubtful. At length the Americans obtained complete possession of the hill; and the enemy, routed at all points, fled from the scene of action, leaving 70 of their number dead upon the field and 75 wounded and captured. On the part of the Americans 9 were slain and 23 wounded. To Colonel Clarke great praise is due for his foresight and activity in comprehending the checking, at its earliest stage, the movement of the loyalists beyond the swamp. Had they succeeded in effecting a permanent lodgment upon the hill, the fortunes of the day would have proved far otherwise. This engagement lasted for 1 hour and 45 minutes, and during most of that time was hotly contested.

As the guard having charge of the prisoners captured when Boyd crossed the Savannah River heard of the disaster which had overtaken the main body, they voluntarily surrendered themselves, 33 in number, to those whom they held in captivity, promising, if allowed to return in peace to their homes, to take the oath of allegiance to the government of the Confederate States.

The battle ended, Colonel Pickens waited upon Colonel Boyd and tendered him every relief in his power. Thanking him for his civility, the loyalist chief, disabled by mortal wounds and yet brave of heart, inquired particularly with regard to the result of the engagement. When told that the victory rested entirely with the Americans, he asserted that the issue would have been different had he not fallen. During the conversation which ensued he stated that he had set out upon his march with 800 men. In crossing the Savannah River he sustained a loss of 100 in killed, wounded, and missing. In the present action he had 700 men under his command. His expectation was that McGirth with 500 men would form a junction with him on Little River either that very afternoon or on the ensuing morning. The point named for this union of forces was not more than 6 miles distant from the place where this battle had been fought. Alluding to his own condition he remarked that he had but a few hours to live and requested Colonel Pickens to detail two men to furnish him with water and to inter his body after death.

When this Briton was in his last hours he gave his watch and other valuables to General Pickens to be sent to his wife. This the chivalric Irishman did. Years after, when Mrs. Boyd died, she bequeathed that watch to the family of General Pickens, and they have it now.

The Kettle Creek battle field is easily accessible from any point, being located 1 mile from the leading public road of Wilkes County. This road will be put in first-class condition by the commissioner of roads and revenues of Wilkes County. The battle field is 9 miles southwest from Washington, Ga., and 5 miles from Federal route No. 78 at one point and 9 miles at another point. Route 78 is from Augusta to Washington, Athens, Atlanta, all Georgia points, on to the Alabama line.

The Kettle Creek Chapter, Daughters of the American Revolution, will deed to the Government to carry out this proposition 12 acres of the Kettle Creek battle ground. Part, at least, of this battle field is in the original oak woods that were there the day this battle was fought 149 years ago.

DISTRICT OF COLUMBIA APPROPRIATION BILL

Mr. SIMMONS. Mr. Speaker, I call up the conference report on H. R. 11133, making appropriations for the government of the District of Columbia and other activities, chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1929, and for other purposes, and I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. The gentleman from Nebraska calls up a conference report and asks unanimous consent that the statement may 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. 11133) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1929, and for other purposes, 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 2, 3, 4, 11, 13, 14, 16, 19, 29, 34, 59, 60, 61, 62, 63, 65, 70, 72, 74, and 75.

That the House recede from its disagreement to the amendments of the Senate numbered 6, 9, 15, 17, 18, 20, 21, 22, 23, 26, 27, 31, 32, 33, 35, 37, 38, 39, 40, 41, 42, 45, 49, 50, 51, 52, 53, 54, 55, 58, 64, 66, 67, 68, 69, 73, 76, and 79, and agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$42,545"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$35,000"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$29,600"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "not exceeding $100 for rest room for sick and injured employees and the equipment of and medical supplies for said rest room,"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Northwest: Sixteenth Street, Alaska Avenue to Kalmia Road, $80,000"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "$250,000"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$1,802,900"; 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 agreement as follows: In lieu of the sum proposed insert "$1,475,000"; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$112,500"; and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$11,000"; and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following: "$10,000; in all, $21,000"; and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In line 3 of the matter inserted by said amendment after the word "equipment," insert the following: "to be immediately available"; and the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$54,910"; and the Senate agree to the same.

Amendment numbered 71: That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$486,975"; and the Senate agree to the same.

Amendment numbered 77: That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$850,000"; and the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$300,000"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 1, 36, 46, 56, and 57.

ROBT. G. SIMMONS,
WM. P. HOLADAY,
ANTHONY J. GRIFFIN,
Managers on the part of the House.

L. C. PHIPPS,
W. L. JONES,
CARTER GLASS,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11133) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1929, and for other purposes, 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 amendment No. 2: Accepts the language as provided by the House, stricken out by the Senate, prohibiting the practice of phrenology in the District of Columbia without paying a license tax as provided in paragraph 32, section 7, of the District of Columbia appropriation act approved July 1, 1902, and subject to the proviso contained in said paragraph.

On amendments Nos. 3 and 4: Appropriates $58,340, as provided by the House, instead of $60,920, as provided by the Senate, for the office of the corporation counsel, which figures contemplate the retention of the police officers detailed in this office as clerks.

On amendment No. 5: Appropriates $42,545 for personal services in the office of superintendent of weights, measures, and markets, instead of $41,045, as provided by the House, and $43,685, as provided by the Senate.

On amendment No. 6: Appropriates $7,750, as provided by the Senate, instead of $6,000, as provided by the House, for maintenance and repairs to markets.

On amendment No. 7: Appropriates $35,000 instead of $50,000, as provided by the Senate, for repairs, alterations, additions, and purchase and installment of equipment for the Western Market.

On amendment No. 8: Appropriates $29,600 for personal services in the office of the director of traffic instead of $25,940, as provided by the House, and $31,280, as provided by the Senate.

On amendment No. 9: Appropriates $96,000, as provided by the Senate, instead of $92,500, as provided by the House, for the office of recorder of deeds for personal services.

On amendment No. 10: Accepts language as provided by the Senate providing for a rest room for sick and injured employees and medical equipment therefor, under the appropriation for contingent expenses for the office of recorder of deeds, but limits the expenditure therefor, as provided by the House, to $100.

On amendment No. 11: Appropriates $14,500, as provided by the House, instead of $15,000, as provided by the Senate, for contingent and miscellaneous expenses for the office of recorder of deeds.

On amendment No. 12: Appropriates $80,000 for the paving of Sixteenth Street NW. from Alaska Avenue to Kalmia Road instead of $132,000, as provided by the Senate, for the paving of Sixteenth Street NW. from Alaska Avenue to the District line.

On amendment No. 13. Appropriates $9,500, as provided by the House and stricken out by the Senate, for the paving of Garfield Street NW., Wisconsin Avenue to Bellevue Terrace.

On amendment No. 14: Appropriates $13,100, as provided by the House and stricken out by the Senate, for the paving of Bellevue Terrace NW. from Fulton Street to Cathedral Avenue.

On amendment No. 15: Appropriates $4,800, as provided by the Senate, for the paving of Reno Road NW., Quebec Street to Rodmand Street.

On amendment No. 16: Appropriates $7,500, as provided by the House and stricken out by the Senate, for the paving of Allison Street NW., New Hampshire Avenue to Illinois Avenue.

On amendment No. 17: Strikes out the appropriation of $5,100, as provided by the House, for the paving of Thirty-eighth Street NW., S Street to T Street.

On amendment No. 18: Strikes out the appropriation of $8,600, as provided by the House, for the paving of Forty-second Street NW., Jenifer Street to Military Road.

On amendment No. 19: Appropriates $16,300, as provided by the House and stricken out by the Senate, for the paving of B Street SE., Fifteenth Street to Eighteenth Street.

On amendment No. 20: Appropriates $8,400, as provided by the Senate, for the paving of Hurst Terrace NW., Fulton Street northward.

On amendment No. 21: Strikes out the appropriation, as provided by the House, of $36,900 for the paving of New York Avenue NE., Florida Avenue to West Virginia Avenue.

On amendment No. 22: Accepts the language, as provided by the Senate, appropriating $65,000 for the widening and repaving the roadway of Connecticut Avenue NW., instead of $60,000, as provided by the House.

On amendment No. 23: Appropriates $30,000, as provided by the Senate, for widening and repaving H Street NW., Seventeenth Street to Pennsylvania Avenue.

On amendment No. 24: Appropriates $250,000 for construction of curbs and gutters, instead of $200,000, as provided by the House, and $290,000, as provided by the Senate.

On amendment No. 25: Corrects the total for disbursements under the "gasoline tax, road and street improvement" fund.

On amendments Nos. 26, 27, and 28: Accepts corrections in language in the appropriation for street repairs, as suggested by the Senate, and appropriates $1,475,000, as provided by the House, instead of $1,675,000, as provided by the Senate, for this purpose, and strikes out the language, as proposed by the House, making $90,000 of the appropriation payable out of the "gasoline tax, road and street fund."

On amendment No. 29: Strikes out the language and appropriation of $5,000, as provided by the Senate, for the preparation of plans and specifications for the elimination of the Michigan Avenue grade crossing.

On amendment No. 30: Appropriates $112,500 for trees and parkings instead of $100,000, as provided by the House, and $125,000, as provided by the Senate.

On amendment No. 31: Makes a correction in language, as provided by the Senate, in the appropriation for general maintenance under public playgrounds.

On amendment No. 32: Appropriates $33,000, as provided by the Senate, instead of $31,050, as provided by the House, for general supplies under the electrical department.

On amendment No. 33: Accepts language, as provided by the Senate, including part cost of maintenance of lights at Bolling Field necessary for operation of the air mail, under the appropriation for lighting, electrical department.

On amendment No. 34: Appropriates $127,540, as provided by the House, instead of $134,680, as provided by the Senate, for personal services of clerks and other employees, under public schools.

On amendment No. 35: Strikes out language, as proposed by the House, prohibiting the expenditure of any appropriations made for the public schools of the District of Columbia for the instruction of pupils who dwell outside the District of Columbia.

On amendment No. 37: Accepts language, as provided by the Senate, permitting certain school construction work to be performed by day labor or otherwise.

On amendment No. 38: Accepts language, as provided by the Senate, making the appropriation for Langley Junior and McKinley High Schools immediately available.

On amendments Nos. 39 and 40: Appropriates $2,740,700, as provided by the Senate, instead of $2,694,727.08, as provided by the House, for the pay and allowances of officers and members of the Metropolitan police force; and appropriates $99,770, as provided by the Senate, instead of $148,536.92, as provided by the House, for clerical services in the police department.

On amendment No. 41: Appropriates $67,075, as provided by the Senate, instead of $64,225, as provided by the House, for uniforms for police.

On amendments Nos. 42, 43, and 44: Strikes out, as proposed by the Senate, language which heretofore permitted the care of children under 17 years of age under the house of detention, and appropriates $21,000 for the conduct of the house of detention, instead of $29,780, as proposed by the House, and $14,480, as proposed by the Senate.

On amendments Nos. 45 and 47: Transfers an appropriation of $8,000 for a health department clinic from the house of detention to the health department, District of Columbia.

On amendment No. 48: Appropriates $54,910, for personal services under the juvenile court, instead of $53,050, as proposed by the House, and $56,770, as proposed by the Senate.

On amendment No. 49: Appropriates $74,900 for salaries, Supreme Court, District of Columbia, as provided by the Senate, instead of $72,020, as proposed by the House.

On amendment No. 50: Appropriates $41,903, as proposed by the Senate, instead of $41,660, as proposed by the House, for pay of bailiffs.

On amendments Nos. 51 and 52: Appropriates $9,420, as provided by the Senate, instead of $9,220, as proposed by the House, for personal services under the probation system.

On amendment No. 53: Appropriates $29,704, as provided by the Senate, instead of $29,300, as proposed by the House, for personal services in the courthouse.

On amendments Nos. 54 and 55: Appropriates $62,640, as provided by the Senate, instead of $24,190, as proposed by the House, for salaries, court of appeals.

On amendment No. 58: Appropriates $17,000, as provided by the Senate, instead of $15,300, as proposed by the House, for the Columbia Hospital for Women.

On amendment No. 59: Appropriates $27,000, as provided by the House, instead of $30,000, as proposed by the Senate, for the Children's Hospital.

On amendments Nos. 60 and 61: Appropriates $15,300, as provided by the House, instead of $17,000, as proposed by the Senate, in each instance, for the Providence and Garfield Memorial Hospitals.

On amendments Nos. 62 and 63: Appropriates $7,200, as provided by the House, instead of $8,000, as proposed by the Senate, in each instance for the Georgetown University and George Washington University Hospitals.

On amendment No. 64: Corrects House language, as proposed by the Senate, providing for artesian wells, etc., at the District Training School.

On amendment No. 65: Appropriates $24,600, as provided by the House, instead of $21,600, as proposed by the Senate, for maintenance, etc., at the Industrial Home School.

On amendment No. 66: Appropriates $15,000, as provided by the Senate, instead of $12,000, as proposed by the House for repairs, etc., at the home for aged and infirm, and makes $3,000 of the appropriation immediately available, as proposed by the Senate.

On amendments Nos. 67 and 68: Appropriates $12,860, as provided by the Senate, instead of $12,740, as proposed by the House, for personal services at the Temporary Home for Union ex-Soldiers and Sailors.

On amendment No. 69: Corrects House language, as proposed by the Senate, in the appropriation for relief of the poor.

On amendment No. 70: Appropriates $355,460, as provided by the House, instead of $368,200, as proposed by the Senate, for personal services, Public Buildings and Public Parks.

On amendments Nos. 71 to 75, inclusive: Appropriates $486,975, as a lump-sum appropriation for general expenses, instead of $386,975, as proposed by the House, and $523,975, as proposed by the Senate; makes available $93,000, as proposed by the House, instead of $125,000, as proposed by the Senate, for the improvement, Rock Creek and Potomac connecting parkway; makes available, as proposed by the Senate, $100,000, for the improvement of Meridian Hill Park; makes available for the erection of minor auxiliary structures, $5,000, as proposed by the House, instead of $10,000, as proposed by the Senate, and strikes out language, as proposed by the Senate, making available $5,000, for the construction of a comfort station and shelter at Seventeenth and Pennsylvania Avenue SE.

On amendment No. 76: Accepts language as proposed by the Senate, making available $2,000 out of a balance of a prior appropriation, for the alteration of the Franklin Park comfort station.

On amendments Nos. 77 and 78: Appropriates $850,000 for the National Capital Park and Planning Commission, instead of $600,000 as proposed by the House, and $1,000,000 as proposed by the Senate; and makes available $300,000 for the purchase of sites without limitation as to price based on assessed value, instead of $150,000 as proposed by the House and $400,000 as proposed by the Senate.

On amendment No. 79: Appropriates $182,050, as proposed by the Senate, instead of $180,250, as proposed by the House for the National Zoological Park.

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

No. 1: Striking out the paragraph, as proposed by the House, appropriating a $9,000,000 lump-sum amount as a Federal contribution toward the expenses of conducting the government of the District of Columbia, and inserting in lieu thereof, as proposed by the Senate, a paragraph dividing the expenses of the District of Columbia government, 40 per cent to be paid out of the Treasury of the United States and 60 per cent to be paid out of the revenues of the District of Columbia; unless otherwise provided.

No. 36: Providing that the children of officers and men of the United States Army, Navy, and Marine Corps, and children of other employees of the United States stationed outside the District of Columbia shall be admitted to the public schools without payment of tuition.

No. 46: Providing for the erection of a fire-engine house upon Government-owned property on Sixteenth Street NW.

No. 56: Providing for a receiving home for the reception and detention of children under 17 years of age, and appropriating $25,000 therefor, as proposed by the Senate.

No. 57: Providing a working capital fund at the District workhouse and reformatory, as proposed by the Senate.

ROBT. G. SIMMONS,
WM. P. HOLADAY,
ANTHONY J. GRIFFIN,
Managers on the part of the House.

Mr. SIMMONS. Mr. Speaker, I move that the conference report be agreed to; and, pending that motion, I desire to state to the House that the report we have here, with one exception, will be an agreement with the Senate. It is the result of several conferences. The Senate has receded over one-half million dollars in their amendments, and we are below the Budget by $67,000.

Mr. LINTHICUM. Will the gentleman yield for a question?

Mr. SIMMONS. Yes, sir.

Mr. LINTHICUM. Will the gentleman explain what arrangement was made about the school children, and also the appropriation for the extension of Sixteenth Street of $134,000?

Mr. SIMMONS. I expect to move to concur in the Senate proposal on the school proposition and the paving of Sixteenth Street is to be carried to Kalmia Road this year.

Mr. GRIFFIN. I would like to ask the gentleman if he will yield me five minutes.

Mr. SIMMONS. We are not going to discuss that question. I move the previous question on the conference report, Mr. Speaker.

The previous question was ordered.

The conference report was agreed to.

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

The Clerk read as follows:

Amendment No. 1: Page 1, after the enacting clause, strike out all of lines 3, 4, 5, 6, 7, 8, 9 on page 1 and all of lines 1 to 10, inclusive, on page 2 and insert in lieu thereof the following:

"That in order to defray the expenses of the District of Columbia for the fiscal year ending June 30, 1929, 40 per cent of each of the following sums, except those herein directed to be paid otherwise, is appropriated out of any money in the Treasury not otherwise appropriated, and all of the remainder out of the combined revenues of the District of Columbia, and the tax rate in effect in the fiscal year 1928 on real estate and tangible personal property subject to taxation in the District of Columbia shall be continued for the fiscal year 1929, namely."

Mr. SIMMONS. Mr. Speaker, this is the fiscal relations paragraph. The Senate amendment to the House bill substitutes 60–40 in lieu of the $9,000,000 that heretofore the Congress has carried in this bill for a number of years. On this I expect to ask for a roll call. I move now that the House further insist on its disagreement to Senate amendment No. 1, and on that I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Nebraska [Mr. SIMMONS] that the House further insist upon its disagreement to the Senate amendment.

Mr. SIMMONS. On that I ask the yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 288, nays 55, not voting 87, as follows:

[Roll No. 81]

YEAS—288

Abernethy	Carss	Elliott	Hardy
Ackerman	Carter	England	Hare
Adkins	Cartwright	Englebright	Hastings
Allen	Chalmers	Eslick	Hawley
Almon	Chapman	Evans, Calif.	Hersey
Andresen	Chase	Evans, Mont.	Hill, Ala.
Andrew	Chindblom	Faust	Hill, Wash.
Arentz	Christopherson	Fish	Hoch
Arnold	Clague	Fitzgerald, Roy G.	Hoffman
Aswell	Clarke	Fletcher	Hogg
Ayres	Cochran, Mo.	Fort	Holaday
Bacharach	Cole, Iowa	Foss	Hooper
Bachmann	Collier	Frear	Hope
Bankhead	Collins	Freeman	Houston, Del.
Barbour	Colton	French	Howard, Nebr.
Beck, Wis.	Connolly, Pa.	Frothingham	Howard, Okla.
Beedy	Cooper, Ohio	Fullbright	Hudson
Bell	Cooper, Wis.	Furlow	Hull, Wm. E.
Berger	Cox	Gambrill	Irwin
Black, N. Y.	Crail	Garber	James
Black, Tex.	Cramton	Gardner, Ind.	Jenkins
Bohn	Crisp	Garner, Tex.	Johnson, Ill.
Box	Crosser	Garrett, Tenn.	Johnson, Ind.
Brand, Ga.	Crowther	Garrett, Tex.	Johnson, S. Dak.
Brand, Ohio	Cullen	Gifford	Johnson, Tex.
Briggs	Dallinger	Glynn	Jones
Brigham	Darrow	Goldsborough	Kading
Browne	Davey	Goodwin	Kahn
Browning	Davis	Graham	Kemp
Buchanan	Denison	Gregory	Kendall
Buckbee	De Rouen	Green	Kent
Burdick	Dickinson, Iowa	Greenwood	Kerr
Burtness	Dickinson, Mo.	Griest	Ketcham
Burton	Doughton	Guyer	Knutson
Busby	Dowell	Hadley	Kopp
Byrns	Doyle	Hale	Korell
Canfield	Drewry	Hall, Ill.	Kurtz
Cannon	Driver	Hall, Ind.	Kvale
Carley	Edwards	Hancock	Lampert

Lanham	Moore, Ohio	Romjue	Swing
Lankford	Moorman	Rowbottom	Taber
Larsen	Morehead	Rubey	Tarver
Lea	Morin	Rutherford	Tatgenhorst
Leatherwood	Morrow	Sanders, N. Y.	Taylor, Colo.
Leavitt	Nelson, Me.	Sanders, Tex.	Taylor, Tenn.
Leech	Nelson, Mo.	Sandlin	Thatcher
Letts	Nelson, Wis.	Schafer	Thompson
Linthicum	Newton	Schneider	Thurston
Lowrey	Niedringhaus	Sears, Nebr.	Tilson
Lozier	Norton, Nebr.	Seger	Timberlake
Luce	O'Brien	Selvig	Treadway
McClintic	O'Connor, La.	Shallenberger	Underhill
McDuffie	Oliver, Ala.	Shreve	Vincent, Mich.
McKeown	Palmisano	Simmons	Vinson, Ga.
McLaughlin	Parks	Sinclair	Vinson, Ky.
McLeod	Peavey	Sirovich	Wainwright
McMillan	Peery	Snell	Ware
McReynolds	Perkins	Somers, N. Y.	Warren
McSwain	Porter	Speaks	Wason
MacGregor	Pratt	Spearing	Watres
Magrady	Purnell	Sproul, Ill.	Watson
Major, Ill.	Quin	Sproul, Kans.	Weller
Major, Mo.	Ragon	Stalker	Welsh, Pa.
Mansfield	Ramseyer	Steagall	White, Colo.
Mapes	Rankin	Stedman	White, Me.
Martin, La.	Ransley	Steele	Whittington
Martin, Mass.	Reece	Stobbs	Williams, Mo.
Menges	Reed, Ark.	Strong, Kans.	Williams, Tex.
Michener	Reed, N. Y.	Summers, Wash.	Wilson, La.
Milligan	Robinson, Iowa	Sumners, Tex.	Winter
Mooney	Robsion, Ky.	Swank	Woodruff
Moore, Ky.	Rogers	Swick	Wright

NAYS—55

Aldrich	Dyer	LaGuardia	Quayle
Bland	Fenn	Lindsay	Rainey
Bowman	Fitzpatrick	McFadden	Rathbone
Campbell	Free	Mead	Smith
Carew	Gasque	Merritt	Temple
Celler	Griffin	Miller	Tinkham
Cohen	Harrison	Monast	Updike
Cole, Md.	Hickey	Montague	Vestal
Combs	Jacobstein	Moore, Va.	Whitehead
Connery	Johnson, Wash.	Morgan	Williams, Ill.
Corning	Kelly	O'Connell	Woodrum
Deal	Kiess	Oliver, N. Y.	Wyant
Dickstein	Kindred	Parker	Zihlman
Douglas, Ariz.	King	Prall	

NOT VOTING—87

Allgood	Davenport	Igoe	Sabath
Anthony	Dempsey	Jeffers	Sears, Fla.
Auf der Heide	Dominick	Johnson, Okla.	Sinnott
Bacon	Douglass, Mass.	Kearns	Stevenson
Beck, Pa.	Doutrich	Kincheloe	Strong, Pa.
Beers	Drane	Kunz	Strother
Begg	Eaton	Langley	Sullivan
Blanton	Estep	Lehlbach	Tillman
Bloom	Fisher	Lyon	Tucker
Boies	Fitzgerald, W. T.	McSweeney	Underwood
Bowles	Fulmer	Maas	Weaver
Bowling	Gibson	Manlove	Welch, Calif.
Boylan	Gilbert	Michaelson	White, Kans.
Britten	Golder	Moore, N. J.	Williamson
Bulwinkle	Hall, N. Dak.	Murphy	Wilson, Miss.
Bushong	Hammer	Norton, N. J.	Wingo
Butler	Haugen	O'Connor, N. Y.	Wolverton
Casey	Huddleston	Oldfield	Wood
Clancy	Hudspeth	Palmer	Wurzbach
Cochran, Pa.	Hughes	Pou	Yates
Connally, Tex.	Hull, Morton D.	Rayburn	Yon
Curry	Hull, Tenn.	Reid, Ill.	

So the motion was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Williamson (for) with Mr. Bacon (against).
Mr. Wood (for) with Mr. Pou (against).

Until further notice:

Mr. Manlove with Mr. Oldfield.
Mr. Begg with Mr. Boylan.
Mr. Lehlbach with Mr. Stevenson.
Mr. Reid of Illinois with Mr. Fisher.
Mr. Clancy with Mr. Sullivan.
Mr. Beers with Mr. Underwood.
Mr. Wurzbach with Mr. Hammer.
Mr. Eaton with Mr. Hudspeth.
Mr. Kearns with Mr. Kunz.
Mr. Wolverton with Mrs. Norton of New Jersey.
Mr. Strother with Mr. McSweeney.
Mr. Murphy with Mr. Garrett of Texas.
Mr. Britten with Mr. Drane.
Mr. Leatherwood with Mr. Blanton.
Mr. Anthony with Mr. Jeffers.
Mr. Maas with Mr. Wingo.
Mr. Beck of Pennsylvania with Mr. Hull of Tennessee.
Mr. Michaelson with Mr. Dominick.
Mr. Butler with Mr. Connally of Texas.
Mr. White of Kansas with Mr. Bowling.
Mr. Curry with Mr. Allgood.
Mr. Dempsey with Mr. Tucker.
Mr. Gibson with Mr. Johnson of Oklahoma.
Mr. Hughes with Mr. Yon.
Mr. Yates with Mr. Rayburn.
Mr. Golder with Mr. Weaver.
Mr. Haugen with Mr. Fulmer.
Mrs. Langley with Mr. Casey.
Mr. Sinnott with Mr. Auf der Heide.
Mr. Welch of California with Mr. Sears of Florida.
Mr. Boies with Mr. Gilbert.
Mr. Cochran of Pennsylvania with Mr. Wilson of Mississippi.
Mr. Estep with Mr. Sabath.
Mr. Bowles with Mr. Bulwinkle.
Mr. Doutrich with Mr. Douglass of Massachusetts.
Mr. Hull, Morton D., with Mr. Igoe.
Mr. Davenport with Mr. Huddleston.
Mr. Strong of Pennsylvania with Mr. Kincheloe.
Mr. Fitzgerald, W. T., with Mr. Moore, of New Jersey.
Mr. Hall of North Dakota with Mr. Lyon.
Mr. Palmer with Mr. O'Connor of New York.
Mr. Bushong with Mr. Bloom.

Mr. FULMER. Mr. Speaker, I desire to vote "yea."

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

Mr. FULMER. No, sir; I was not.

The SPEAKER. The gentleman does not qualify.

Mr. BRITTEN. Mr. Speaker, I desire to vote "no."

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

Mr. BRITTEN. Mr. Speaker, I was not present; but I will make the definite statement that the bells ringing in the House Office Building rang three times instead of twice, and therefore I took my time in coming over.

The SPEAKER. The gentleman does not qualify.

Mr. WELCH of California. Mr. Speaker, I desire to vote.

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

Mr. WELCH of California. No; I was just outside of the Chamber.

The SPEAKER. The gentleman does not qualify.

Mr. HALL of North Dakota. Mr. Speaker, I desire to vote "yea."

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

Mr. HALL of North Dakota. No; I was not.

The SPEAKER. The gentleman does not qualify.

The result of the vote was announced as above recorded.

Mr. GRIFFIN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from New York rise?

Mr. GRIFFIN. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. The gentleman from New York asks unanimous consent to proceed for two minutes. Is there objection?

Mr. SIMMONS. Mr. Speaker, I think I shall have to object. The House leaders on both sides are desirous of expediting this matter.

Mr. GRIFFIN. Then, Mr. Speaker, I ask unanimous consent to proceed for one minute.

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

There was no objection.

Mr. GRIFFIN. Mr. Speaker, ladies, and gentlemen of the House, the vote has been taken, but I assert that the matter was presented to the House in such a way that the Members were not made acquainted with the actual situation. The Senate did not refuse to recede from the 60–40 proposition but made the offer of one-third to two-thirds and desired that proposition be submitted to the House. One of the Senate conferees even agreed to accept as low as 27 per cent as against 73 per cent. The question is not one of mere dollars and cents but rather a struggle to attain some formula of contribution instead of the hard and inflexible flat sum.

Not having time allowed me on the question, I refer to the extension of remarks, which I prepared and printed in the RECORD of April 20.

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

The Clerk read as follows:

Amendment No. 36: Page 48, after line 21, insert "The children of officers and men of the United States Army, Navy, and Marine Corps, and children of other employees of the United States stationed outside the District of Columbia shall be admitted to the public schools without payment of tuition."

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

The motion was agreed to.

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

The Clerk read as follows:

Senate amendment 46: Page 61 of the bill, after line 7, insert:

"The Commissioners of the District of Columbia are authorized to dispose of, by public or private sale in their discretion, the site acquired for an engine house at Sixteenth and Webster Streets NW., and the proceeds thereof shall be deposited in the Treasury of the United States to the credit of the District of Columbia, and the said commissioners are authorized to acquire another site in the vicinity of Sixteenth Street and Piney Branch Road NW., and the sum of $35,000 is hereby appropriated for this purpose: *Provided*, That the commissioners are au-

thorized, in their discretion, to locate the said engine house on land now owned by the District of Columbia, in lieu of purchasing another site therefor: *Provided further*, That the unexpended balances of appropriations made in previous acts for house, site, furniture and furnishings, etc., for a new engine company in the vicinity of Sixteenth Street and Piney Branch Road NW., are hereby continued and made available for expenditure for such purposes during the fiscal year 1929."

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

The Clerk read as follows:

In lieu of the matter inserted by said amendment insert the following:

"The Commissioners of the District of Columbia are hereby authorized and directed to sell the property at the corner of Sixteenth and Webster Streets, heretofore acquired for a fire-engine house site at public or private sale at not less than the purchase price paid therefor by the District of Columbia and pay the proceeds thereof into the Treasury of the United States, to the credit of the District of Columbia; and the commissioners are hereby authorized and directed to erect a fire-engine house, with furniture and furnishings for a fire-engine company, at the northwest corner of Sixteenth Street and Colorado Avenue, on property belonging to the United States, and there is hereby set aside for such purpose a plot of ground running north from the junction of Sixteenth Street and Colorado Avenue, as now publicly owned, 100 feet on Sixteenth Street; thence west at right angles to the street 160 feet; thence south at right angles to the line of Colorado Avenue. The balance of the appropriations carried in the acts of May 10, 1926, and March 2, 1927, for an engine house in the vicinity of Sixteenth Street and Piney Branch Road NW., is made available for the purpose aforesaid."

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

The motion was agreed to.

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

The Clerk read as follows:

Senate amendment No. 56: Page 74 of the bill, after line 2, insert: "For the maintenance, under the jurisdiction of the Board of Public Welfare, of a suitable place for the reception and detention of children under 17 years of age arrested by the police on charge of offense against any laws in force in the District of Columbia, or committed to the guardianship of the board, or held as witnesses, or held temporarily, or pending hearing, or otherwise, including transportation, purchase of one passenger-carrying motor vehicle at a cost not to exceed $750, operation and maintenance of motor vehicles, food, clothing, medicine and medical supplies, rental and repair and upkeep of buildings, fuel, gas, electricity, ice, supplies and equipment, and other necessary expenses, including personal services in accordance with the classification act of 1923, $25,000, to be immediately available: *Provided*, That such portion as the Commissioners of the District of Columbia may determine of the appropriation of $25,000 for rent, under the heading 'Contingent and miscellaneous expenses, District of Columbia,' contained in the first deficiency act, fiscal year 1928, shall be available for the purposes of this paragraph."

Mr. SIMMONS. Mr. Speaker, I move that the House recede and concur with an amendment.

The Clerk read as follows:

After the words, "For the maintenance, under the jurisdiction of the Board of Public Welfare, of a suitable place," insert the following: "in a building entirely separate and apart from the House of Detention."

The motion was agreed to.

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

The Clerk read as follows:

Senate amendment No. 57, page 78, after line 12 insert the following:

"Working capital: To provide working capital for industrial enterprises at the workhouse and the reformatory, the commissioners shall transfer to a fund, to be known as the working-capital fund, such amounts appropriated herein for the workhouse and reformatory, not to exceed $50,000, as are available for industrial work at these institutions. The various departments and institutions of the District of Columbia and the Federal Government may purchase, at fair market prices, as determined by the commissioners, such industrial or farm products as meet their requirements. Receipts from the sale of such products shall be deposited to the credit of said working-capital fund, and the said fund, including all receipts credited thereto, may be used as a revolving fund during the fiscal year 1929. This fund shall be available for the purchase and repair of machinery and equipment, for the purchase of raw materials and manufacturing supplies, for personal services in accordance with the classification act of 1923, and for the payment to the inmates or their dependents of such pecuniary earnings as the commissioners may deem proper. The commissioners shall include in their annual report to Congress a detailed report of the receipts and expenditures on account of said working-capital fund."

Mr. SIMMONS. Mr. Speaker, I move that the House recede and concur with an amendment.

The Clerk read as follows:

In lieu of the sum inserted by said amendment, insert "$25,000."

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

The motion was agreed to.

PENSIONS

Mr. ELLIOTT. Mr. Speaker, I call up a conference report on H. R. 10159, an act granting pensions and increase of pensions to widows and former widows of certain soldiers, sailors, and marines of the Civil War, and for other purposes.

The Clerk read the conference report.

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. 10159) entitled "An act granting pensions and increase of pensions to widows and former widows of certain soldiers, sailors, and marines of the Civil War, and for other purposes," 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 1.

That the House recede from its disagreement to the amendment of the Senate numbered 2 and agree to the same.

W. T. FITZGERALD,
R. N. ELLIOTT,
E. M. BEERS,
MELL G. UNDERWOOD,
RALPH F. LOZIER,
Managers on the part of the House.

PETER NORBECK,
PORTER H. DALE,
DANIEL F. STECK,
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. 10159) granting pensions and increase of pensions to widows and former widows of certain soldiers, sailors, and marines of the Civil War, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and embodied in the accompanying conference report as to each such amendments, namely:

On No. 1: The amendment of the Senate provides that widows shall be eligible to receive the pension provided for in said act when they arrive at the age of 72 years instead of 75. The bill as it passed the House would grant increases of pension to approximately 90,000 widows and would entail an additional cost on the Government of $10,800,000 for the first year. The amendment of the Senate would bring in approximately 32,320 more widows at this time, making an additional annual cost of $3,878,400, but inasmuch as the amendment of the Senate was seriously endangering the passage of any bill the conferees unanimously agreed to leave the age limit at 75 years. All of the widows who are now drawing $30 per month under existing general law as fast as they arrive at the age of 75 years will be entitled to the benefits of this act.

On No. 2: The amendment provides that the pensions shall begin on the fourth day of the month next after the approval of this act instead of the fourth day of the next month after the approval of the same.

W. T. FITZGERALD,
R. N. ELLIOTT,
E. M. BEERS,
MELL G. UNDERWOOD,
RALPH F. LOZIER,
Managers on the part of the House.

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

The conference report was agreed to.

Mr. ELLIOTT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 13511) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children

of soldiers and sailors of said war, with Senate amendments, and agree to Senate amendments.

The Senate amendments were read.

The Senate amendments were agreed to.

AIRCRAFT PROCUREMENT BOARD

Mr. JAMES. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill (H. R. 471) relating to the Aircraft Procurement Board.

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

There was no objection.

Mr. JAMES. Mr. Speaker, during the Sixty-ninth Congress the gentleman from Kentucky [Mr. VINSON] introduced a bill providing for the establishment of an Aircraft Procurement Board, to consist of an Assistant Secretary of War, an Assistant Secretary of the Navy, an Assistant Secretary of Commerce, an Assistant Postmaster General, the Chief of the Bureau of Aeronautics, and the Chief of the Air Corps. Those officials represent the executive departments of our Government interested in the development of aviation and vitally concerned with the problem of aircraft procurement.

Mr. VINSON'S bill was the result of painstaking and diligent study on his part and was recognized by those best informed on this subject as a valuable and constructive measure, the enactment of which would mean much to the development of Government aeronautics and at the same time make aircraft procurement more economical and efficient.

In the last days of the Congress it passed the House, but, unfortunately for our Government, this important bill did not become a law in the Sixty-ninth Congress. However, on January 16 of this year the House by unanimous consent passed the bill, H. R. 471. It has not yet passed the Senate. Too much valuable time has already been lost. It means a great deal to the Air Service and also to the American taxpayers. It is earnestly hoped that this much-needed legislation will be enacted before the adjournment of the present session.

It has attracted wide attention in circles interested in aircraft development, as is evidenced by an interesting article by Mr. Frank A. Tichenor in the February, 1928, issue of the Aero Digest, published at New York City. That article, laudatory of both Mr. VINSON and his bill, is worthy of quotation, and under the leave granted me I include the following excerpt from it:

A CONSTRUCTIVE BILL

It is an agreeable change to turn from Mr. Wilbur to the Hon. FRED M. VINSON, Member of Congress from the ninth Kentucky district. He does not come to the floor of the House with any demand for millions to be spent on useless steel flotillas that would be transformed into "sunkotillas" by the judicious application of a few small bombs. Instead he appears bearing in his strong right hand House bill 471, to provide for an aircraft procurement board.

That might go a long way toward assuring for the various services the best aircraft that can be built in the United States, and, by coordination, would do away with a lot of useless effort. The board is to be intrusted with the procurement of all aircraft purchased by the Government, naval, military, and commercial. This board will be a good thing for the Government.

In originating and fighting for this bill Congressman VINSON offers the country a plan calculated to eliminate waste and assure suitable planes for every department. By assuring all of the air services the very best equipment his plan will achieve another useful, needful service.

It passed the House on January 16, and doubtless will pass the Senate. Howard Coffin, who was active in aircraft procurement during the war and a member of the President's aircraft board, stated in a letter to Congressman VINSON:

"I have read with much interest your speech on the floor in favor of the proposal for the establishment of an aircraft procurement board to consist of the Assistant Secretaries of the War, Navy, Commerce, and Post Office Departments.

"I should say that one of the greatest difficulties of the past, both during and since the war, has been the fact that there has not previously been lodged in any one place of high authority a definite executive responsibility for the handling of aviation affairs. This has been peculiarly true with regard to the procurement of aeronautical material. This has been one of the main causes of the inability of Congress to obtain dependable information and for the distrust and misunderstandings thereby engendered. * * * These activities have, during the past several years, certainly had a destructive effect upon the progress of the art in this country, and greatly delayed the passage of constructive legislation. The creation of this board of Assistant Secretaries, whose job it is to devote their attention to the subject of aviation, will go a long way to offset these abuses and will provide the Congress with a definite and authoritative point of contact with all phases of aviation, both governmental and civil.

"It's a fine job. Good luck to you."

Mr. VINSON deserves the thanks of the whole aircraft industry for having devised this highly progressive and constructive measure, which will bring into closer cooperation those branches of the Government which purchase in this field, thereby not only assuring economical use of money, but exercising a good influence in various directions.

DEVELOPMENT OF INLAND WATERWAYS

Mr. PARKER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further discussion of the bill H. R. 13512.

Mr. TILSON. Before that motion is put, Mr. Speaker, I should like to ask the gentleman as to the time that will be required to finish consideration of the bill. Is there any disposition to prolong the consideration of this bill?

Mr. PARKER. I will say that when the House adjourned on Tuesday evening we had this bill under consideration. The bill had been debated at length, it had been read, and the men in charge of the bill were doing everything they could to expedite the passage of the legislation. I will assure the gentleman that everything will be done to take as little time as possible.

Mr. BANKHEAD. Will the gentleman yield?

Mr. PARKER. Yes.

Mr. BANKHEAD. On any amendments that are to be offered the gentleman can move to close debate. I have heard no substantial opposition to the bill.

Mr. PARKER. In answer to the gentleman, I will say that that was the very thing that was done, that was the motion I made when a point of no quorum was raised. I was endeavoring to do what the gentleman suggests.

Mr. TILSON. Will the gentleman state if, in his judgment, it may be finished within a half hour?

Mr. PARKER. Yes.

Mr. TILSON. If it is not, will the gentleman be willing to have the committee rise at that time?

Mr. PARKER. With the House thoroughly understanding my position I will make that agreement. That is, if it is not finished in half an hour, I agree to move that the committee rise, but I want it thoroughly understood that I am doing this because I have to do it.

Mr. OLIVER of Alabama. Half an hour is too limited a time. Say, 45 minutes.

Mr. TILSON. There is no request or demand for time for debate upon the subject, as I understand.

SPECIAL ORDER—THE "S-4" DISASTER

The SPEAKER. The Chair asks the gentleman from New York [Mr. PARKER] to withhold his motion for 10 minutes in order that he may recognize the gentleman from New York [Mr. GRIFFIN] for 10 minutes, under the special order.

Mr. GRIFFIN. Mr. Speaker, this is a busy, practical, cold world. The kindlier emotions of mankind may be aroused at times in the face of some great calamity, but after a few days or weeks we forget the tragic happenings and go about our business. We forget the sorrow, the suffering of the bereaved. We forget not only the event but the lessons of the event. I am not complaining about this. It is a truism which all the world admits. Occasionally busy men forget their cares and responsibilities and do give thought to these delicate, kindly sentiments which actuate the human heart. Then they go through certain forms of memorials. They stand demurely and bow their heads in prayer and give all the appearance of interest and sympathy.

Even though the world should forget, I submit it is a violation of our duty to ignore an event such as that which occurred on December 17 last, just five months ago to-day, when the *S-4* went down with all hands. Let us go back a moment to those thrilling days when all were hoping and praying for prompt rescue. Everyone said that such an event would never take place again, that there were certain lessons to be learned from the disaster, and that we were going to profit by those lessons.

Even the President of the United States was aroused sufficiently to send a special message to this House on January 7, and a resolution (H. J. Res. 131) was presented by our dear friend and colleague, Mr. BUTLER, of Pennsylvania, in which he called for an investigation of the disaster. This resolution had two features: One directed toward the investigation of safety devices and appliances, and the other covering an investigation of the causes of the disaster. The resolution passed the House on January 7 and went over to the Senate. The Senate was willing to permit an inquiry into the question of safety devices, but felt that the investigation of the causes of the disaster ought to be made by Congress itself.

The resolution therefore was amended so as to provide for the appointment of a joint congressional committee to take up the two phases of the question: The study of safety appliances and the study of the facts. The Senate passed that amended resolution on January 30. The conferees met and disagreed. I ask in all fairness, in the name of the men who are dead, who perished under such horrifying circumstances, are we going to laugh at this tragedy, are we going to ignore their suffering and that of their families?

It is a travesty upon parliamentary procedure that it seems to be possible for conferees to hold up indefinitely a resolution of this character. I know that I would not venture, if I were one of the conferees, to put the President of the United States and the Secretary of the Navy in the awkward situation of being charged with hypocrisy and lack of sincerity when that message was read in all solemnity to this House asking for this commission to be appointed.

The Senate is now proceeding with an investigation of the facts upon its own accord. There is no excuse whatever for the conferees failing to get together. The Senate, I am satisfied, would be willing to recede on the proposal to have the commission or any joint committee study the facts. The Senate is doing that itself. I am satisfied that if the gentleman from New York, the chairman of the conferees on the part of the House, would revive his interest in the matter once again the Senate would recede and that that resolution to study preventive measures could be passed before we adjourn.

The *S–4* disaster has aroused the people of the United States as no other tragedy has ever before. I have letters from hundreds of people from all over the United States, and even from Europe and Australia, bearing upon this tragedy; and what a pitiable picture we present to the world if this legislative body fails to do something to recognized the necessity for providing for the safety of the brave men who man our submarines.

In addition to the letters that I have received in protest against the occurrence and even recurrence of these disasters, I have hundreds of suggestions for safety appliances. They are waiting to go before the commission which everyone expects is to be appointed. Captain Filene, of the Navy Department, tells me that he has nearly 2,000 suggestions waiting for study and examination. Some of them may be meritorious and others, of course, will prove to have no merit at all; but they are waiting the action of this House, because the Navy does not want to proceed with an investigation upon their own account and leave it open to the charge of bias. They want to preclude all criticism.

In passing the Butler resolution you will not only assent to the will of the President and the Secretary of the Navy, who, I believe, are sincere, but you will have accomplished something to justify our position before the world.

I am thinking of those unhappy youths tapping out their own requiem in the chambers of the submerged submarine—tap, tap, tap—waiting for relief, waiting with torturing anxiety amidst the fumes which rose from the batteries in the vessel, and which slowly choked them to death. [Applause.]

Under the leave to extend I herewith append the results of a questionnaire I addressed to our naval attachés at Berlin, London, Paris, and Rome.

SUBMARINE SAFETY AND SALVAGE DEVICES USED OR NOT USED IN FOREIGN NAVIES

Shortly after the sinking of the *S–4*, I prepared a questionnaire for the purpose of ascertaining the extent to which safety and salvage devices were in use in foreign navies.

Through the good offices of our Department of State the questionnaire was forwarded to our naval attachés at Berlin, London, Paris, and Rome.

The questions (nine in number), with the answers, are as follows:

Mr. GRIFFIN, Representative in Congress from New York, desires the following information respecting safety devices and salvage appliances in foreign navies:

(1) Whether grappling rings, eyelets, or shackles are attached to the hulls of submarines to facilitate their prompt raising.

(2) Whether or not a form of telephone signal buoy is in use which may be released in case of accident, and by which communication may be had with the crew.

(3) Whether or not salvage air inlets are provided for each compartment of the submarine, or whether there is one salvage inlet communicating to the receptive compartments (as seems to have been the condition in the *S–4* type of vessel).

(4) Whether or not diving chambers by which the crew can escape are provided.

(5) Whether or not submarines are provided with releasable rafts, boats, or chambers by which the crew can escape.

(6) Whether or not a diving helmet, or diving apparatus, known as the Draeger diving-rescuer, or any similar device is adopted.

(7) Whether or not there is at the present time, or in contemplation, salvage vessels of the *Catamaran*, type by means of which a submarine can be lifted from the bottom.

(8) If such vessels are in commission, please state their tonnage, their length, and their lifting capacity.

(9) It will be appreciated if you will mention any instance when, and the circumstances under which, such vessels were put to use, and whether they proved effective, giving the tonnage and the net lift or weight of the vessels involved.

GERMAN

BERLIN, *March 20, 1928.*

The honorable the SECRETARY OF STATE,
Washington.

SIR: Adverting to the department's instruction No. 2047, dated February 28, 1928, I have the honor to inclose herewith a copy of a self-explanatory letter, dated March 16, 1928, received from the naval attaché, setting forth answers to the several questions propounded in a questionnaire regarding safety devices and salvage appliances in use in foreign navies, addressed to the department by the Hon. ANTHONY J. GRIFFIN.

I have the honor to be, sir,
Your obedient servant,

JACOB GOULD SCHURMAN.

(Inclosure: 1. Letter of naval attaché.)

OFFICE OF THE NAVAL ATTACHÉ,
Berlin, Tiergartenstrasse 30, March 16, 1928.

From: The naval attaché, Berlin.
To: The counselor of embassy, Berlin.
Subject: Information requested by the Hon. ANTHONY J. GRIFFIN.
Reference: (a) Embassy letter of March 12, 1928.

Please refer to your letter of March 12, 1928, with two inclosures relative to the salvaging appliances in the German Navy. I will take the questions one at a time in order to avoid confusion.

1. In peace times grappling rings, eyelets, or shackles were attached to the hulls of most of the submarines. During the war they were removed from many on account of the additional weight.

2. Such buoys were employed on the submarines in peace times and were part of the normal installation. During the war they were firmly secured so as to prevent their becoming loose and thus disclosing the position of the submarine to an enemy ship.

3. Air inlets could not be installed for each compartment of the submarine, but on the later submarines there was an air inlet in the forward compartment, the midship compartment, and the after compartment, all well separated. These air inlets had cocks which could be operated both from the interior and the exterior of the hull.

4. An air chamber was provided in the larger submarines, but they were not used in any salvaging operations. The loss of space entailed by the installation of such a diving chamber restricted their number to one for the larger submarines.

5. No.

6. Yes, one for each member of the crew, distributed proportionately in the compartments to the number of men normally in that compartment.

7. Before the war the *Vulkan* was built and was used during the war. The *Cyclops* was not completed until 1918. After the war the *Vulkan* was sunk and the *Cyclops* was turned over to England. These vessels were especially built for submarine-salvaging work.

8. A description of these vessels can be obtained from Jane's Fighting Ships, 1914 or 1915. The *Vulkan* was approximately 2,000 tons' displacement, and lifting capacity of about 500 tons. The *Cyclops* was about 2,800 tons' displacement, with lifting capacity of 1,200 tons. A copy of Jane's Fighting Ships with a description of these vessels may be had from the Navy Department in Washington.

9. During the war the *Vulkan* salvaged six sunken submarines from varied depths from 11 to 30 meters. In none of the operations were any of the crew saved through the operations of the *Vulkan*. Most of the installations for attaching salvaging devices had been removed from the submarines in order to save weight, and it was therefore necessary for the divers from the *Vulkan* to pass slings around the hull. After the submarine was located and operations possible by divers it was possible to lift the submarine in nine hours and less. The success of operations from the *Vulkan* depended upon the ability of the divers to locate the wreck and to commence salvaging operations. The time lost in locating the wreck and passing the slings was always too long to enable the submarine to be raised in time to save any of the personnel. On December 7, 1917, submarine *B–8* was sunk in the Baltic Sea in 30 meters of water under conditions almost identical with those obtaining when the *S–4* was sunk. The sea was heavy and wind was force 9. It was impossible for the divers to operate, and no salvaging operations were possible until the weather moderated. By this time all the personnel of the submarine had perished.

G. M. BAUM.

BRITISH

LONDON, *March 29, 1928.*

The honorable the SECRETARY OF STATE,
Washington, D. C.

SIR: I have the honor to refer to the department's instruction No. 1315, February 29, 1928, regarding safety devices and salvage appliances in use in foreign navies, and to state that the questionnaire contained therein was promptly referred by the naval attaché to the appropriate authorities of the admiralty, and a reply, dated March 26, 1928, has been received, of which the pertinent portion is quoted, as follows:

"I beg to inform you that as regards question 3 a salvage air inlet (or, as it is termed, divers' connection) is fitted to each main compartment of the submarine. Each inlet is independent of the rest and supplies air only into the compartment in which it is fitted.

"The answers to all the other questions are in the negative."

I have the honor to be, sir,

Your obedient servant for the ambassador,

RAY ATHERTON,
Counselor of Embassy.

FRENCH

VARIOUS INFORMATION ON THE DEVICES ADOPTED BY THE FRENCH NAVY FOR SUBMARINE SALVAGING

1. The French Navy no longer uses grappling rings, eyelets, or shackles attached to the hull of submarines for lifting purposes.

2. The French Navy uses a telephone buoy which can be released from the interior of the submarine.

3. In each compartment there exists an air inlet.

4. No submarine is provided with a diving chamber.

5. Submarines have folding lifeboats that are placed on the bridge (Berton system).

6. Submarines are provided with an automatic diving apparatus (Boutan type).

7, 8, 9. There exists 3 lifting docks with cables, the characteristics of which are the following:

Length.....meters..	100	70	98
Displacement.....tons..	2,000	1,500	2,300
Lifting capacity.....do....	550	700	1,000

Up to the present time the dock at Cherbourg (700 tons) has been used only once, to lift the *Gustave Zedé* (850 tons), which had sunk, no crew being on board, in one of the basins of Cherbourg.

The construction of other salvage vessels is not contemplated.

ITALIAN

1. The new submarines will be equipped with grappling rings to which can be applied a lifting force equal to 35 per cent of surface displacement of the submarine.

2. All submarines of new construction will have two telephone signal buoys, one at the bow and the other at the stern. The buoys will be supplied with telephone, an apparatus for luminous signals, and a salvage air inlet.

3. Submarines in construction will have a salvage air inlet with outside connections for use of the divers which can furnish air from the exterior into the internal compartments of the submarine.

4. Submarines now building will have two exit locks for the eventual escape of the crew, one at the bow and the other at the stern; the turret will be so constructed as to serve also as an exit lock.

5. Detachable cabins (Cavallini and Belloni type) were devised several years ago for the escape of the crew and experiments were made; these cabins, however, have never been applied for reasons of encumbrance and of weight.

6. It is not contemplated to assign a diving apparatus to each man for the time being.

7. The Royal Navy does not possess salvage vessels of the double-hull or catamaran type.

8. No salvage vessels have been ordered.

9. The only salvage vessel owned by the Royal Navy is the pontoon *Anteo*, capable of lifting 400 tons. It was used only during the war for raising at Taranto a sunken Austrian mine-laying submarine. There has been no further occasion of employing it.

As showing the interest in safeguarding the lives of the crews of submarines, I append also the names and addresses of persons who have submitted plans and suggestions:

"S-4" DISASTER—PERSONS SUGGESTING SAFETY DEVICES

A

John Antle, St. Johns, Newfoundland.
Charles Angelo, Westfield, N. J.

B

Frauenfelder Barraja, 1600 Walnut Street, Philadelphia, Pa.
A. J. Boots, 105 South Court Avenue, Memphis, Tenn.
Clarence W. Bruce, Smithville, Ark.
Carleton Brown, 407 Dominion Express Building, Montreal, Canada.
Lloyd Brubaker, Petrolia, Calif.
J. J. Burke, 4339 Brown Street, Philadelphia, Pa.
George Brynell, Denver, Colo.
Thomas J. Burke, 424–26–28 Chartres Street, New Orleans, La.

C

R. J. Caldwell, 19 West Forty-fourth Street, New York City.
Arthur L. Chapman, 29–31 Flower Building, Watertown, N. Y.
T. J. Churl, 321 Park Avenue, Baltimore, Md.
Jacob Colesworthy, Brooklyn, N. Y.
S. R. Cippelli, 2871 Octavia, San Francisco, Calif.
Clark & Sons, 235 Russell Street, New Haven, Conn.
W. W. Collins, 143 Eighty-fifth Street, Jamaica, N. Y.
E. F. Crane, 1207 Washington Street, Hoboken, N. J.
Isadore P. Carroll, 65 Clinton Avenue, Albany, N. Y.
Frank Cable, 37 Madison Avenue, New York City.
Capt. C. H. Clark, 175 West Ninety-fifth Street, New York City.

D

Capt. Sloan Danenhower, 11 East Eightieth Street, New York City.
Charles Daub, 2026 Valentine Avenue, New York City.
Daniel F. Doran, 546 Pershing Avenue, Ottumwa, Iowa.
Edmund Plowden Dougherty, jr., 501 West One hundred and twenty-first Street, New York City.

E

W. A. Echo, 933 H Street, Washington, D. C
Capt. E. H. Evensen, 422 Fifty-third Street, Brooklyn, N. Y.

F

Arthur H. Fargo, 179 Summer Street, Boston, Mass.
William Harrison Fauber, 55 Hicks Street, Brooklyn, N. Y.
C. E. Fred Fincke, 485 Central Park west, New York City.
F. W. Fitzpatrick, 418 Church Street, Evanston, Ill.
M. V. Ferris, 20 Davoy Street, Boston, Mass.

G

John M. Ganzer, Pontiac, Mich.
Styles H. Getz, P. O. Box 1613, Philadelphia, Pa.
Timothy D. Gleason, 169 Betts Avenue, Maspeth, New York City.

H

George A. Hahn, Huntington Station, N. Y.
Francis G. Hall, jr., Box 82, Roslyn, Pa.
J. L. Haralson, Donaldsonville, Ga.
Harry Heine, 74 Duane Street, New York City.
Robert L. Hendry, 444 East Sixty-sixth Street, New York City.
John P. Hennessey, 931 Shepherd Street NW., Washington, D. C.
William Horn, 1716 Hobart Avenue, New York City.
Capt. H. F. Horan, 353 Eighty-seventh Street, Brooklyn, N. Y.
Solomon Harper, 32 West One hundred and thirty-second Street, New York City.

I

J. Israel, 711 Cassatt Street, Pittsburgh, Pa.

K

George F. Keating, 216 Eddy Street, San Francisco, Calif.
Paul A. Kelley, Box 16, Sayville, N. Y.
H. J. Koontz, Bessemer Building, Pittsburgh, Pa.
Walther Kurze, New Athens, Ill.

L

Simon Lake, Milford, Conn.
Charles J. Leach, 4808 Fourth Avenue, New York, N. Y.
William La Grange, 1473 Flushing Avenue.
E. J. Laso, 385 Chauncey Street, Brooklyn, N. Y.
Washington G. Lee, 705 Fourth Street, Washington, D. C.
Patrick Lowe, 933 East Ontario Street, Philadelphia, Pa.
Joseph Leonard, 30 Custom Street, London, England.
Charles Leaver, 14 Worthley Street, Red Bank, N. J.
George W. Lee, 1310 Twenty-third Street, Washington, D. C.
Francis LeGuen, 127 Hobart Avenue.
W. E. Leininger, 4513 North Camac Street, Philadelphia, Pa.
Walter Link, 1332 I Street, Washington, D. C.
Frank H. Link, Twenty-second Street and Eleventh Avenue, Whitestone, L. I.
William Lister, 1605 Elmwood Avenue, Wilmette, Ill.

M

Pedro Maggio, 325 Fifty-sixth Street, Brooklyn, N. Y.
P. E. Matthews, 1020 Myrtle Avenue, Plainfield, N. J.
E. S. Mahoney, 300 Hatton Street, Portsmouth, Va.
Frank Maltese, 343 Bronx Park Avenue, New York, N. Y.
Charles C. Mertz, 1932 Riggs Avenue, Baltimore, Md.
Capt. A. G. Midford, 36 Emerald Street South, Hamilton, Ontario.
F. F. Morris, Wilkinsburg Station, Pittsburgh, Pa.
E. F. Moss, St. Lau, Colo.
I. Mason, 115 Myrtle Avenue, Brooklyn, N. Y.

Mc

Joseph McIntyre, 91 St. Marks Place.
George McLaughlin, 2034 Lexington Avenue, New York.

N

Joseph Neumann, Norwalk, Conn.
W. Nicholson, Monroe, Wash.
Theo H. Niermann, 1409 Carlisle Avenue.

O

W. S. Osmond, 5329 Willows Avenue.
L. A. Overmayer, 1148 Packard Avenue.
Maj. John F. O'Rourke, 17 Battery Place.

P

Edward Pardoe, South Fork, Pa.
William E. Parker, 25 South Street, New York City.
Jerome Pasini, 94 Baxter Street, New York City.
Herbert J. Pearsall, 101 West Broad Street, Westfield, N. J.
Ernest H. Pettit, 120 Reliance Avenue, Lasalle, N. Y.

Q

John W. Quyon, Parkersburg, W. Va.

R

Edmund Redmond, 1500 South Avenue, Rochester, N. Y.
Ernest Reincke, Esq., 50 West Street, Haverstraw, N. Y.
J. W. Reno, 261 Broadway, New York City.
M. Reyngoudt, 474 Highland Avenue, ———, N. J.
James L. Roach, 59 East One hundred and twenty-seventh Street, New York City.
Charles H. Rockwell, 315 Fifteenth Street, Honesdale, Pa.
C. P. Rodgers, 249 Lincoln Avenue, Cliftondale, Mass.
Emma M. Rowson, 240 Hawthorne Avenue, Haddonfield, N. J.

S

George W. Selway, 426 Kingsland Avenue, Lyndhurst, N. J.
Adolph G. Stahl, 576 Courtlandt Avenue, Bronx, New York City.
Charles G. Stark, Bay Shore, Long Island.
Charles T. Starr, 218 North Avenue, Westfield, N. J.
E. W. Stout, 414 South Fourteenth Street, Richmond, Ind.
Theodore O. Strauss, 611 West One hundred and fifty-eighth Street, New York City.
Patrick Sullivan, 767 Amsterdam Avenue, New York City.
S. W. Stanton, 18 North Nineteenth Street, East Orange, N. J.
Peter Schon, 928 Sheridan Place, Chicago, Ill.
Alfred R. Stackhouse, Palmyra, N. J.

T

G. Tismer, 1601 Twenty-second Street NW., Miami, Fla.
Max Thum, 747 East One hundred and sixty-eighth Street, New York City.
A. Trautman, 1040 Bushwick Avenue, Brooklyn, N. Y.
Frank I. Turner, 551 Fifth Avenue, New York City.

V

H. Van Arz, 20 Vesey Street, New York City.

W

A. J. Wachs, 1581 Fulton Avenue, Bronx, New York City.
W. V. Washabough, Quaker Hill, Conn.
H. G. Welo, 342 Madison Avenue, New York City.
J. H. Welsh, 503 West Forty-third Street, New York City.
Lozella A. Williamson, Hammonton, N. Y.
Frank Wolff, 36 Prospect Place, Brooklyn, N. Y.
Pierre Wood, 103 Pilot Street, City Island, N. Y.

INLAND WATERWAYS CORPORATION

Mr. PARKER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 13512.

The SPEAKER. The gentleman from New York moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 13512. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The gentleman from Massachusetts [Mr. FROTHINGHAM] will please take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 13512, with Mr. FROTHINGHAM in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 13512, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 13512) to amend the act entitled "An act to create the Inland Waterways Corporation for the purpose of carrying out the mandate and purpose of Congress, as expressed in sections 201 and 500 of the transportation act, and for other purposes," approved June 3, 1924.

The CHAIRMAN. When the committee rose the other day an amendment proposed by the gentleman from Massachusetts [Mr. TREADWAY] was pending. The Clerk will again report the amendment.

The Clerk read as follows:

Amendment offered by Mr. TREADWAY: Page 3, line 24, strike out all of paragraph (c).

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. SHALLENBERGER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Nebraska moves to strike out the last word.

Mr. SHALLENBERGER. I ask unanimous consent, Mr. Chairman, to proceed for 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. SHALLENBERGER. I have been a member of this committee for five years and can not recall of having asked for 10 minutes upon a transportation bill before. The Committee on Interstate and Foreign Commerce has persistently refused to report any important railroad legislation. We are strong for bridges and lighthouse bills.

Perhaps the committee's policy was announced to me by its former chairman when I first became a member, and I asked him if the committee would not consider bills to correct our transportation laws. The chairman's reply was, "This committee considers only what the President tells us to consider, and if you d——— Democrats were in control you would do the same thing."

I am glad therefore that the committee under its present leader has at last reported a transportation measure, even though it only deals with a minor portion of the Nation's needs in this matter. It promises some slight competition in rates on basic agricultural products which at present are excessive and unfair.

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

Mr. SHALLENBERGER. Yes.

Mr. PARKER. Have we not reported another bill that has to do with transportation?

Mr. SHALLENBERGER. Not with freight and passenger rates.

The transportation act of 1920 destroyed railroad competition and set up a transportation monopoly in this country. By the provision requiring a certificate of convenience and necessity it stopped railroad building and constituted existing systems a transportation trust.

By fixing both maximum and minimum charges the Interstate Commerce Commission has destroyed all competition in rates.

We hear a great deal of loose talk about Government operation of railroads. We have it in substance now under the act of 1920.

A Federal bureau controls the essentials of railroad business—establishment of lines and systems and all rates and charges. All the railroad managers have to do now is to keep the books and run the trains. Railroad rates can not be reduced even if the managers think it beneficial both for the roads and the public to do so. The Interstate Commerce Commission is now the poobah of transportation.

Competition either by waterways, highways, or the air affords the only chance for relief from the burdens of the transportation trust. The necessity for competition by water was brought out in the hearings on this bill. I have supported this bill in the committee and shall vote for its passage.

My State is interested in this bill. Nebraska ships more outbound agricultural freight by the Inland Waterways Corporation than any other Western State. We also pay enormous tribute to the railroads because of the excessive freight rates authorized by the present law. Water competition brought an offer of freight reduction upon certain merchandise, but the Interstate Commerce Commission would not permit it.

A very large tonnage of canned goods moves eastward from California and the Pacific coast each year. It amounts to 800,000 tons annually. The rate on this freight is $1.05 per hundred in car lots of 60,000 pounds from San Francisco to western Nebraska. But the railroads grant Chicago, Pittsburgh, Boston, or New York the same freight rate they do Grand Island, Nebr., or any other point east of the Rocky Mountains upon this traffic.

If the Boston rate is fair and compensatory, it is evidently very unfair to Nebraska. If the rate is just and reasonable to Nebraska, then the railroads can carry cars of canned goods from Grand Island, Nebr., to Boston, Mass., for nothing. How can they afford to do that, you ask? Because the Interstate Commerce Commission has raised the rate on farm products from Nebraska to the Atlantic coast so tremendously since March 1, 1920, that the loss on the long shipment of canned goods is made up by the overcharge on the agricultural products of the Central West.

In order that the eastern consumer may have a free car-lot rate for 1,500 miles, the rate on corn and wheat from the Central West was enormously increased. Now the people of the Middle West protested to the railroads against the unjust and unreasonable freight charges on canned goods coming from the Pacific coast.

They joined with others in the Mississippi Valley in a request for a reduction in freight rates on the 800,000 tons of canned goods. The railroads offered to cut the rate 15 cents per hundred.

The Interstate Commerce Commission refused to permit the reduction proposed by the railroads. It is claimed that transcontinental railroad freight rates have been reduced because of canal competition. Those who claim this do not know the facts. I thought so myself until I learned the truth. The records show that such freight rates were much lower before there was any Panama Canal than they are to-day. The Panama Canal was officially opened January 1, 1915. At that time the railroad car-lot rate on canned goods from the Pacific coast to Mississippi Valley territory and eastward was only 62½ cents per hundred pounds. In 1920, by order of the Interstate Commerce Commission the rate on the same goods was raised to $1.20½ per hundred. In 1921 the rate was reduced to $1.05 per hundred, where it now stands.

It was claimed by the commission and others that the water carriers who resisted the reduction could not afford the 15-cent cut proposed by the railroads and maintain their competition. The water carriers fix their own freight rates. The Interstate Commerce Commission does not control them. They have at times reduced rates on this same class of freight from California to the Atlantic coast, via the Panama Canal, as much as 25 cents a hundred. It has varied from 30 to 55 cents per hundred pounds.

Mr. GARBER. Will the gentleman yield?

Mr. SHALLENBERGER. Yes.

Mr. GARBER. Has not the Panama Canal been used as a ground for the increasing of freight rates throughout the interior section of the country?

Mr. SHALLENBERGER. Yes.

It would appear therefore that the interests of the carriers and not of the consumers and shippers was the determining factor in the decision of the commission. The public lost and the carriers won. Open competition in public affairs benefits the people. Bureau control is the stronghold of monopoly.

Another instance of favoritism by the commission is the preferential rate granted iron and steel for export as compared to wheat and corn. Iron or steel for domestic use is carried from Chicago to the Pacific coast for $1 per hundred pounds. The export rate on steel from Chicago to the Pacific coast is only 40 cents. The rate on wheat for export from Nebraska to New York or Baltimore is only 6 cents a hundred less than the domestic rate.

A reduction of 60 cents a hundred pounds on steel for export is granted as against a reduction of 6 cents a hundred on wheat or corn. The favor granted to steel is ten times that granted to corn or wheat when seeking a foreign market. Scores of just such gross discriminations could be pointed out under existing conditions if time permitted. As I have already pointed out, the transportation act has created a railroad monopoly, and monopolies are always unjust, unreasonable, and indefensible. Until the present transportation act is repealed or amended, the public must rely upon competition by water or the highways for any relief from the burden of unfair freight rates.

There is one warning that I want to sound to the friends of this bill. Keep water transportation entirely free from control by the Interstate Commerce Commission. That body should remain as it is, a railroad commission only. If the inland waterways ever come under the control of the railroad commission, the rail carriers will begin to dominate it and eventually control and destroy its competitive power, which is its chief source of benefit and usefulness as a public utility.

Mr. GARBER. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Oklahoma is recognized for five minutes.

Mr. GARBER. Mr. Chairman, members of the committee, the bill under consideration presents the question as to whether we can demonstrate the successful navigation of our inland waterways so that private capital will invest and furnish necessary river transportation.

We began the navigation in 1918 as a war necessity to relieve the freight congestion of the country. This was carried on first under the direction of the Director General of Railroads, who, in July, 1918, appointed a Federal manager to take charge of the service on the Warrior and Mississippi Rivers. Under the transportation act of 1920 the properties were conveyed to the Secretary of War, under whose direction the service was continued until the present time. The act of 1924 created the Inland Waterways Corporation, but made the Secretary of War the incorporator with power to govern and direct the corporation, with the assistance of an advisory board of six members appointed by him.

In 1927 the total assets of the corporation were $17,026,878. It transported 1,200,000 tons of freight during that year.

At the very outset it must be conceded that the experimentation carried on during the last 10 years is not encouraging. The project is not on a paying basis, and if it were not for the substantial prospect of removing the obstacles to a successful demonstration the appropriation of $10,000,000 as provided for in this bill should not be made.

In the first place, the vastness and magnitude of the enterprise has never been fully appreciated. It now involves water channels to the extent of 2,414.9 miles. It is a far greater undertaking than the building of the Panama Canal. It should be approached with that conception.

The inland waterway system is made up as follows:

	Miles
Lower Mississippi division, from St. Louis to New Orleans	1,159.9
Upper Mississippi division, from St. Louis to Minneapolis	692
Warrior division:	
(1) From New Orleans to Mobile, Ala	144
(2) From Mobile to Birming Port	419
Total Warrior division	563

In addition, the corporation owns railroad from Birming Port to Ensley, Ala., a distance of 18 miles.

The experiment has not had a fair trial. Unforeseen obstacles have developed. The work of stabilizing a channel has not progressed as rapidly as was expected. As national highways it is the legitimate province of the Government to provide a dependable channel for the commerce of the country. The necessity for modern terminal facilities was not fully appreciated. Cities beginning to awake to the advantages of water transportation are now voting bonds and providing suitable terminal facilities, a modern terminal costing from $100,000 to a million dollars, according to the desired capacity.

The cities will not vote bonds to make such investments unless they have the continued assurance of navigation, and this the bill affords. But the third and greatest obstacle in the progress of this demonstration has been the opposition of the railroads. They have refused a division of joint rates preventing an extension of the benefits of inland-waterway transportation to the interior sections of the country. If such benefits can not be so transferred the demonstration can not succeed and navigation of inland waterways should be abandoned. A port-to-port rate will not sustain it. The cities along the rivers can not do it. The demonstration must reach out into the interior sections of the country where the freight rates are high, and this requires traffic arrangements, joint tariffs, rules, and regulations, and an equitable division of freight rates with the barges being operated by the corporation, and thus far we attribute the failure of the experiment to the opposition of the roads and their refusal to cooperate in such arrangements and division of rates.

In this connection the freight agent of the Mississippi Waterways Service said:

> To-day the upper river has less than 5 per cent of its normal joint rates. The Warrior has about 20 per cent of the joint rates which it should rightfully have, of which less than half are covered by satisfactory divisions. The lower Mississippi service has approximately 10 per cent of the appropriate normal joint rates which it should have, and all the existing joint-rate divisions have been established covering only about half of them. * * * The progress during the past decade is not discouraging, but it is obviously most unbusinesslike that these joint-rate and division matters, so easily adjusted as between privately operated rail carriers, were accomplished by the Government barge lines so slowly and at such an unprecedented cost of money and delay. Ten years' experience has clearly demonstrated that railroad carriers will not voluntarily cooperate in accomplishing appropriate coordination of the barge service with the railroad transportation system as intended by law. It therefore seems fitting that some further legislation be enacted to

require quick results at a minimum cost through the Interstate Commerce Commission.

In describing the difficulties with the roads, Mr. Brent, who was for a number of years engaged with the movement of the Mississippi Barge Line, and is now counselor for the waterways divisions for the State of Illinois, the waterways division for the State of Minnesota, and vice president for the Redwood Line, which operates steamships between New Orleans and San Francisco, said:

In 1920 we went before the Interstate Commerce Commission asking for a broad basis of joint rates, for fair divisions, and for fair reciprocal relations with the railroads at terminal points.

That case was presented elaborately and took a long time. The record was some 2,700 pages of testimony and about 500 exhibits. It began in May, 1920, and it was not until May, 1923, that there was any outcome from the commission. At that time the commission issued no orders, but gave us certain formulas for making the river and rail rates and for rail and river rates and laid down certain principles upon which divisions should be based and remanded us to what they termed "friendly negotiation" with the railroads. Unfortunately their formula for divisions gave alternative bases, and the railroads liked their basis, and the barge lines could not stand for it; and the barge lines liked another basis, and the railroads would not stand for that. * * *

I merely mention these things to show you the vicissitudes under which a Government corporation, even under the existing law, operates in its attempt to serve the public against the unquestionably hostile attitude of the railroads of the country.

Senator FLETCHER. During this time were you carrying about your capacity?

Mr. BRENT. Well, no. Of course we are not carrying, in some directions, the capacity of the lines at present, because the rates do not exist to give us capacity.

In certain directions we have capacity carloads and in other directions we do not; but during this period during which we were waiting for the beginnings of these rates we lost $1,500,000 in operating expenses, and during this period we received and stood the attacks of hostile newspapers throughout the country, expatiating upon the demonstration of the lack of economic value in water transportation.

Senator SHEPPARD. Whose fault is it that you do not get the rate you need?

Mr. BRENT. We think it is largely the fault of the law.

Senator SHEPPARD. Of the law?

Mr. BRENT. Yes. The law is permissive. The law is not mandatory. The commission may or may not. The commission does not have to.

* * * * * * *

Mr. BRENT. Yes; but what I mean is this—we have never gone before the Interstate Commerce Commission and its examiners yet but what we have a cohort of railroad attorneys who insist that this thing is of no value. We have plenty of transportation facilities already available. The country does not need this service. This is not a necessity and it is really an inconvenience.

Testifying further, Mr. Brent said:

The roads do not want to see this development, because they think it is a menace to their prosperity. We must have a change in the provisions of the law. To-day the law is permissive. It permits the commission to take its time and do as it pleases, to give it to you now or to remand you to what you call friendly negotiations. The law should be mandatory and compel the commission to act.

Interpreting the evidence showing this opposition the committee in its report states:

This policy of opposition on the part of many of the railroads has resulted in years of delay in the extension of the benefits of water transportation to interior communities and has seriously retarded the successful operation of the Inland Waterways Corporation. Unless such opposition on the part of the rail carriers is overcome and through routes, joint rates, and an equitable division of joint rates is made available without interminable delays and the heavy expenses necessary to carry on such proceedings before the Interstate Commerce Commission, privately owned transportation service will never be realized on the inland waterways of the country.

The hearings on this bill convinced the committee that legislation somewhat drastic is now not only needed, but is necessary in order to fully carry out the purposes for creating the Inland Waterways Corporation and to realize the benefits of the policy of Congress manifested by the large expenditures made for the improvement of our inland waterways.

Mind you, this opposition of the roads is in face of the declared policy of Congress in section 500 of the transportation act of 1920, as follows:

It is hereby declared to be the policy of Congress to promote, encourage, and develop water transportation, service, and facilities in connection with the commerce of the United States, and to foster and preserve in full vigor both rail and water transportation.

It is to be regretted that the commission was unable to find authority for the exercise of its initiatory power in that part of paragraph 3 of section 15 of the transportation act of 1920 and other supporting sections of the act, reading as follows:

The commission may, and it shall whenever deemed by it to be necessary or desirable in the public interest, after full hearing upon complaint or upon its own initiative without a complaint, establish through routes, joint classifications, and joint rates, fares, or charges applicable to the transportation of passengers or property, or the maxima or minima, or maxima and minima, to be charged (or, in the case of a through route where one of the carriers is a water line, the maximum rates, fares, and charges applicable thereto), and the divisions of such rates, fares, or charges as hereinafter provided, and the terms and conditions under which such through routes shall be operated; and this provision, except as herein otherwise provided, shall apply when one of the carriers is a water line.

Opposition of the roads and the failure of the commission to administer satisfactorily have been the two outstanding obstacles to the successful demonstration of the experiment of our inland waterways. Not only that, but they have been, and are to-day, preventing a revision and readjustment of rates so as to permit of the equitable apportionment of the burdens of transportation alike to every section of the country and industry. This has become so pronounced and outstanding in the presence of our most imperative need as to create a growing demand for the abolition of the commission.

That the commission has failed to administer our regulatory power satisfactorily to the country, that it has failed to administer such power so as to approximately apportion the burdens of commerce equitably alike to every section of the country and line of industry, is generally claimed throughout the country. And unless there is some radical change of policy on the part of that body in the adoption of a constructive program for aggressive revision and readjustment of the horizontal increases imposed, the demand for its abolition will continue to grow and become imperative.

In a signed article published in one of the leading magazines of the country but a short time ago, a Member of Congress representing a prominent eastern industrial State declared that if he had the power but for a single day to effectuate the most-needed reformation in the Government for the greatest relief of all the people he would abolish the Interstate Commerce Commission and turn the roads back to private regulation and control.

In view of the general dissatisfaction with the rate structure and the nation-wide demand for a revision and readjustment of rates, such a statement, if unchallenged, in many quarters will be accepted at its face value as a proposal of the only adequate remedy for the existing unsatisfactory rate conditions throughout the country.

EXISTING UNSATISFACTORY CONDITIONS THROUGHOUT THE COUNTRY

I have recently received resolutions from numerous representative farm and civic organizations in the Mid West demanding the repeal of section 15a of the transportation act of 1920. In yesterday's mail I received resolutions from several of the national farm organizations demanding the immediate repeal of the entire act. These resolutions are indicative of the deep-seated existing dissatisfaction with rate conditions in the interior mid-western section of the country.

The farmers feel that the roads have been well taken care of since the war. They feel that the Interstate Commerce Commission has said by its horizontal increases imposed in 1921:

We must take care of the roads first. We must save them at all hazards, even though it must be by horizontal increases which we know are especially burdensome on agriculture.

Of course, the system of horizontal increases saved the roads. It rebuilt their financial credit. It doubled the value of their stocks and the amount of their annual dividends. It has enabled them to invest $7,000,000,000 in betterments. The roads have been rehabilitated. They have been saved. They have been restored to prosperous conditions such as they never experienced before.

It may have been good policy or war-time necessity for the Government during its period of operation of the railroads to keep rates at a point at which enormous losses were piled up, but no one would expect the Government to assume responsibility for losses incurred after the roads were returned to their owners. And the owners can not be asked to accept rates which would lead to bankruptcy. Necessary as the rate increases were, therefore, they came at a peculiarly inopportune

time. Farmers found themselves compelled to pay higher rates at the very moment they were being forced to accept lower prices for their products and they sometimes found that the price received was insufficient even to cover the railroad's bill.

On May 18, 1920, the Federal Reserve Board voted at its secret meeting to deflate agriculture. In that year the purchasing value of farm products was 131 per cent above the purchasing value of farm products in 1913. In 1922 it was only 24 per cent above the pre-war value, representing a shrinkage in the purchasing value of the 1921 and 1922 crops of six billion. In two short years the value of farm products depreciated 107 per cent, and that at the very time our exports of farm products were the largest in our history.

As a result of this decline in values it is estimated that the value of all capital invested in agriculture declined from $79,000,000,000 in May, 1920, to $58,000,000,000 in 1922.

As late as 1926 the average farm family income had only reached $736 per year. That amount included $630 for the estimated value of food, fuel, and housing furnished by the farm, leaving a cash yearly wage of only $106 for the average farmer of the United States. Think of it! One hundred and six dollars annual income for the American farmer with an average investment of $9,000! When you compare this family income with that of $1,250 for the common laborer, his plight becomes pitiable indeed.

During all these years when the roads were enjoying the revenues from the horizontal increases which created such conditions of prosperity for them, the farmers have been waging a desperate fight to make both ends meet, pay their taxes and interest, and save their homes. Having saved the roads and created such rising values in their stocks as to create speculation and gambling therein unprecedented in recent years, the farmers feel that the commission having performed this work of reclamation should have long since begun the work of revision and readjustment to lighten and adjust the burdens of the horizontal increases.

For five years they have demanded such revision. The agricultural commission appointed by the President in its report demanded such revision. The President, in his message to Congress in December, 1923, said:

> Competent authorities now agree that there should be an entire reorganization of the rate structure for freight.

Notwithstanding the demand of every farm organization in the United States, the representative agricultural commission appointed by the President and the several messages of the President to the Congress, the horizontal increases imposed by the commission in 1921 still remain. They have not been removed except here and there by patchwork and piecemeal as public demand became too insistent to be any longer ignored.

The farmers feel that under these harrowing conditions existing during the last five years, more potential for revolutionary action than the Boston tea tax, the commission should assume the initiative for their relief; it should not continually wear its judicial robes and assume a judicial attitude toward readjusting the horizontal rates which it was so quick to impose; that it should exercise the same power to initiate in revision and readjustment for the relief of the farmers as it exercised to save the roads.

Out of such conditions has come the demand not only for the repeal of section 15a but of the transportation act of 1920, and it may have been such conditions which impelled the Member of Congress to say in substance:

> I would begin my program of relief to the American people by abolishing the Interstate Commerce Commission and turn the roads back to private regulation and control.

However unsatisfactory existing rate conditions may be—and it is admitted that they are indefensible—yet the remedy proposed would create conditions still worse. The proposal to abolish the commission and turn the roads back to private regulation and control immediately challenges a comparison of conditions under private and governmental regulation.

COMPARISON OF CONDITIONS UNDER PRIVATE AND GOVERNMENTAL REGULATION

During their constructive period and up until 1887 the roads exercised full power of ownership, control, and regulation over their properties. This included the exercise of the power to fix their own rates, which was equivalent to the exercise of a power to tax all the commerce of the country in railway transit.

They exercised this power so arbitrarily and oppressively as to create conditions which became intolerable; by secret rebates, midnight rates, circuitous-route rates, basic-point rates, missionary rates, unreasonable rates, rates that were unduly prejudicial and unduly preferential, and rates that were discriminatory, they developed one section of the country at the expense of the other. With one hand they distributed prosperity and with the other hand depression and desolation. In the early days of outlawry in the West, the old-timers used to say with sympathetic consolation to the newcomer, "A town once visited is safe," but such could not be said of the policy of the roads under private regulation. They continued their exactions almost to the point of confiscation. Unsatisfied with fixing their own rates and running their own business, they proceeded to run everybody else's business, as well as that of the political affairs of cities, counties, States, and the Government itself. They insisted upon having their personal representatives as Members of the State and National Legislatures, as members of the State and Federal judiciaries to sit in cases in which they were parties defendants; but the findings of fact by our own agency, the commission, in numerous cases more vividly, accurately, and authoritatively describes the conditions under private regulation. I therefore will indulge your patience sufficiently to read from a brief extract of one of many decisions containing findings of fact of a similar character.

In regard to financial transactions of the New York, New Haven & Hartford Railroad Co. (July 11, 1914, 31 I. C. C. 32, at p. 33), the commission states:

> The difficulties under which this railroad system has labored in the past are internal and wholly due to its own mismanagement. Its troubles have not arisen because of regulation by governmental authority. Its greatest losses and most costly blunders were made in an attempt to circumvent governmental regulation; and to extend its domination beyond the limits fixed by law. * * * It has been clearly proven how the public opinion was distorted; how public officials who were needed and could be bought were bought; how newspapers that could be subsidized were subsidized; how a college professor and publicist secretly accepted money from the New Haven while masking as a representative of a great American university and a guardian of the interests of the people; how agencies of information to the public were prostituted, wherever they could be prostituted, in order to carry out a scheme of private transportation monopoly imperial in its scope; the unwarranted expenditure of large amounts in educating public opinion; the disposition, without knowledge of the directors, of hundreds of thousands of dollars for influencing public sentiment; the habitual chain of unitemized vouchers without any clear specification of details; the practice of financial legerdemain in issuing large blocks of New Haven stocks for notes of the New England Navigation Co. and manipulating these securities back and forth; fictitious sales of New Haven stock to friendly parties with the desire of boosting the stock and unloading on the public at the higher market price; the unlawful diversion of corporate funds to political organizations; the scattering of retainers to attorneys of five States who rendered no itemized bills for service and who conducted no litigation in which the railroad was a party; extensive use of a paid lobby in matters as to which the directors claimed to have no information; the attempt to control utterances of the press by subsidizing reporters; the payment of money to and the profligate use of free passes to legislators and their friends; the investment of $400,000 in securities of a New England newspaper; together with a combination of many other causes set forth herein have resulted in the present deplorable situation in which the affairs of this road are involved.
>
> Nothing disclosed in the record before us is to be more regretted than the readiness of great banking institutions in our financial centers to loan enormous sums of money upon exceedingly precarious security in aid of such schemes as have been devised in the wrecking of these railroads. Not only this, but the high officers of such institutions, while acting ostensibly as directors of the railroads, have in fact been little more than tools and dummies for the promoters. The trustees of other people's money seem to have had little compunction about violations of their trusts for the benefit of the promoters and at their demand.
>
> Until this commission or some other governmental body with adequate power primarily controls the issue of carrier securities and within reasonable limitations the application of the proceeds thereof, stockholders and other investors in carrier securities will certainly from time to time be subjected to such perils of mismanagement and resultant losses as have accrued to the stockholders of the New Haven, the Rock Island, the Pere Marquette, the Cincinnati, Hamilton & Dayton, and others.

OUR PROGRESS HAS BEEN SLOW BUT SUBSTANTIAL

To abolish the commission and to return to such conditions as existed under private regulation would be little short of a national calamity. To publish to the country that after 50 years of contest and effort to regulate we have accomplished nothing is a gross misstatement of fact and a grievous injury to a sound public opinion.

While the development of our regulatory power has been a slow and laborious process, it was made so by the continuous opposition of the roads and their circumvention of the law. By continuous oppression and circumvention the people were finally lashed into action in their own self-defense.

Beginning in the seventies, the first contest culminated in the interstate commerce act of 1887. The Hepburn Act of 1906 was the second step; the Mann-Elkins Act of 1910 was the third step; the Clayton Antitrust Act of 1914 was the fourth step; the transportation act of 1920 was the fifth step. These acts mark the big epochal events in the development of regulatory power during the last half century. They mark the culmination of the periodic contests in this forum, on this floor, where the representatives of the people wrung from the grasping hands of the roads the power they had so oppressively used against them.

From time to time during that period numerous other amendments were enacted, but these are the big charters of governmental regulation.

OPPOSITION OF THE ROADS

Every important provision of every act and amendment conferring additional power upon the commission was stubbornly resisted by the roads; first, before the commission, then in the Federal courts, and finally in the Supreme Court of the United States. Such opposition required years and years for a final judicial determination of their regulatory provisions. Our progress has been slow, but it has been continuous and substantial. It has been according to the rules of the game. The people of this country have treated the roads fairly. They did not resort to any undue advantage but only to the orderly processes of the law under the commerce clause of our Constitution.

POLICY OF THE ROADS ILL-ADVISED

From time to time during our history, railway executives have been held up to us as the great captains of industry, as having contributed so liberally to the development of the country; but it will be observed and remembered that their liberal contributions were furnished from other sources. Their policy of oppression and discrimination, of determined resistance, was shortsighted and ill-advised. Their leadership failed totally in the development of a spirit of cooperation with the people. They developed no sense of appreciation of the power that created them and the source of those revenues which maintained them. Like the saloon keeper, they finally regulated themselves out of the regulating business. Like the drunken automobile driver, they became dangerous to the public. Like dangerous incompetents, the people in their self-protection were finally compelled to take away their power to fix rates and to exercise the power of guardianship over their properties; and yet they boast of leadership!

RESULTS OF GOVERNMENTAL REGULATION

To abolish the commission and turn the roads back to private regulation and control would reinstate them as the custodians of our national prosperity, with the power of distribution! It would be equivalent to the Gaulish invasion of ancient Rome. In politics it would make Teapot Dome look like a Sunday-school contribution. It would nullify the work and progress of 50 years!

If it has not done anything else, governmental regulation has produced two outstanding results. It has stripped the roads of their political power, driven their personal representatives from the legislative halls and from the sanctuary of the judiciary, and made for cleaner and better government. It has stripped the roads of the power to fix their own rates, which is equivalent to the power to tax the commerce of the country in rail transit, and has given to the people a new sense of power and freedom in the control of their commerce.

Because rate conditions are unsatisfactory and generally in a chaotic condition is no reason why we should abolish the commission and turn the roads back to private regulation.

By Supreme Court decisions, we have cleared a large field for the proper exercise of regulatory power; a field sufficiently large under efficient administration to apportion the burdens of commerce equitably to every section and industry alike; and that is all the people demand. It is what they are entitled to have done.

Our problem to-day is one of efficient administration. Thus far the commission has failed to administer our regulatory power to the satisfaction of the people. This is evidenced by the general demand for a revision and readjustment of rates during the last five years.

NATION-WIDE DEMAND FOR REVISION AND READJUSTMENT

All the representative farm organizations, the chambers of commerce and civic organizations of the Mid West section of the country have been demanding revision and readjustment during this period. The Agricultural Commission, appointed by the President, and the President in his message to Congress have voiced such demand. In his message of December, 1923, five years ago, the President said:

> Competent authorities agree that an entire reorganization of the rate structure for freight is necessary. This should be ordered at once by the Congress. * * *

In speaking of agriculture he said:

> Indirectly the farmer must be relieved by a reduction of national and local taxation. He must be assisted by the reorganization of the freight-rate structure, which could reduce charges on his production.

In his message of December 3, 1924, the President, speaking of consolidation, said:

> It opens large possibility of better equalization of rates between different classes of traffic so as to relieve undue burdens upon agricultural products and raw materials generally, which are now not possible without ruin to small units, owing to the lack of diversity of traffic.

COMPARISON OF THE EAST WITH THE WEST

The section west of the Mississippi River contains 69 per cent of the area of the United States, 47 per cent of the railroad mileage, and 30 per cent of the population. It produces 54 per cent of the principal grain crops, about 60 per cent of the cattle produced in the United States, and originates 30 per cent of the tonnage. Thus, we see that 47 per cent of the railroad mileage of the United States is in 69 per cent of the area populated by 30 per cent of the people, who furnish 30 per cent of the tonnage originated.

East of the Mississippi River and north of the Ohio River, including the States of Pennsylvania, Maryland, and the New England States, is 12½ per cent of the area of the United States, 47 per cent of the population, and 48 per cent of the tonnage originated. This area also produces 70 per cent of the value of the manufactured products of the United States.

From this picture of the two sections it is easy to visualize the long haul of the West and the short haul of the East, and it shows that eastern agriculture is in a more favorable economic position than western agriculture; that its near-by prosperous cities furnish a continuous, steady market—markets so near that they permit of truck transportation when rail rates are unsatisfactory. The short and inexpensive haul leaves the farmers of the East a profit on their products which in the West is often entirely absorbed by the long haul and high freight rates. The farmers in the West are not so favorably situated. They are on the high-rate plateau in the interior and have the long haul with which to contend and the high rates to markets.

The high rates are deducted from the prices that the farmers receive for their products, and when they buy their implements, their clothing, their necessities of life, their material and equipment for the farms from the markets of the East, the rates are passed on and added to the price of everything they buy. The freight is deducted from everything they sell and it is added to everything they buy. In effect, therefore, like Jones, the farmer pays the freight both ways—it cuts him like a two-edged sword; and with the rates on agricultural products 53 per cent higher than they were before the war, they absorb the little profits that he would otherwise make.

This explains why the East is not so directly interested in the question of revision and readjustment of rates as it is interested in service.

AVERAGE HAUL IN THE EAST AND THE WEST

I give below the average haul in each of the regions, districts, and the United States, as compiled from the monthly reports of Class I steam railways to the commission for 1927:

District and region	Average haul (miles)
Eastern district:	
New England region	113.97
Great Lakes region	154.13
Central eastern region	151.36
Eastern district	149.67
Southern district:	
Pocahontas region	265.60
Southern region	201.52
Southern district	222.65
Western district:	
Northwestern region	195.59
Central western region	260.37
Southwestern region	208.47
Western district	222.71
United States	184.16

Thus it will be seen that the haul in the southern and western districts is 73 miles, or one-third, longer than the haul in the eastern district.

HORIZONTAL INCREASES

In 1914 the Interstate Commerce Commission granted an increase of 5 per cent on practically all the rates north of the

Potomac and Ohio Rivers and east of the Mississippi. In 1917 the rates in the same area were increased approximately 15 per cent. On June 25, 1918, the United States Railroad Administration advanced rates 25 per cent all over the United States.

On May 18, 1920, a meeting was held of the Federal Reserve Board and the Federal Advisory Council and Class A directors of the Federal reserve banks. At this secret meeting held on that day they voted to deflate agriculture. The restriction of credits, the breaking down of prices, the increasing of freight rates and the discount rates for farm paper were secretly discussed and agreed to; but that was not all. That meeting of the Federal Reserve Board decided to rehabilitate the roads. Why? Because it was representing the interests financing the roads instead of representing the public. It decided on an increase in freight rates. It passed the following resolution:

Resolved, That this conference urges as the most important remedies that the Interstate Commerce Commission and the United States Shipping Board give increased rates and adequate facilities such immediate effect as may be warranted under their authority, and that a committee of five be appointed by the Chair to present these resolutions to the Interstate Commerce Commission and the United States Shipping Board with such verbal presentation as may seem appropriate to the committee.

Why "verbal presentation"? So as to leave no trace! Following the above resolution—that is, on August 26, 1920—the most radical change in all our history was made.

A horizontal increase in rates in the eastern group of 40 per cent was made; in the southern group, 25 per cent; in the western group, 35 per cent; in the Mountain-Pacific group, 25 per cent; and on intraterritorial traffic, 33⅓ per cent. In 1922 there were two 10 per cent decreases, one on agricultural products and the other on nonagricultural products. On its own initiative, and in cases presented, other decreases in various sections of the country have been made from time to time, so that while these percentage changes do not give us a complete, correct picture of the rate changes and the existing rate status at the present time, yet they do give a general idea of the comparative status of freight rates and the method employed in making such increases.

HORIZONTAL INCREASES BEAR HEAVIEST ON FARM PRODUCTS

The horizontal increases thus made have resulted in disproportionate increases upon long-haul, carload traffic of agricultural products. In making those increases no attention was paid to how high a rate was, or how low a rate was, or how long the haul was, or the value of the product, or what it would bear to carry it to market. By horizontal increases the low-price farm products were compelled to pay the same as high-class manufactured articles. This, in connection with one-third longer haul for farm products, has made the horizontal increase almost unbearable. They have exacted what little profits the farmers would have made during the last five years, when they have been waging their desperate fight for the retention of their homes upon the farms.

That such an unscientific and inequitable system of rate-making should be tolerated by the commission is almost unbelievable. Though the horizontal increases may have been necessary to save the roads, what excuse is there for their retention after the roads have been saved? This is something the farmers are unable to understand. They believe that the retention of the horizontal increases imposed upon agriculture is inexcusable; they are indefensible. For five years they have been demanding their readjustment, and such demands have been voiced by the President to the Congress. The commission has had full power. It needed no extra congressional act, and yet the increases still remain. If permitted to continue, they will again lash the people of the Mid West into action, as the oppressive powers of the roads did in the seventies!

Appointed by President Harding to make a careful and thorough study of rates, with a view to relief from the undue burdens upon agriculture, and with his long experience and intimate familiarity with the commerce of the country, perhaps no other person is better qualified to speak on this subject than Herbert Hoover, our Secretary of Commerce.

In his address on September 28, 1926, at Mitchell, S. Dak., he said:

One of the underlying causes contributing to the present difficulties of our mid-west farmers is the increased railroad rates arising from the war. * * * Owing to such increases and the distance from seaboard, our mid-west farmers must, for instance, pay from 6 cents to 12 cents a bushel more on grain to reach the world's markets than they did before the war. Therefore the foreign farmers reach the world markets at a lower cost in proportion to pre-war than our mid-west farmers.

We can roughly visualize this if we set up a new measuring unit in the shape of the number of cents it takes to move a ton of wheat on different routes. For instance, during pre-war times to move a ton of South Dakota wheat by the cheapest route cost 1,190 cents to reach Liverpool, while Argentina wheat cost 723 cents. To-day the increased freight charges on this ton of wheat moving from Argentina, which is farther from Liverpool than is South Dakota, is 117 cents, while the South Dakota farmer has had his charge moved up 408 cents. This uneven increase in transportation charges has prejudiced the situation of our mid-west farmers in competition with those foreign countries; and, more than that, the prices which the farmer receives in the foreign competitive markets influence the price of his whole products, not only the price of the export balance; therefore, the effect of war increase of transportation rates to seaboard is far greater than its effect upon the part of the crop exported out of the Mid West. It at once tends to depress the return on the whole crop. It is unquestionably one of the contributing causes of our postwar agricultural difficulties.

HIGH RATES PREVENT INDUSTRIAL DEVELOPMENT OF THE WEST

The vast empire west of the Mississippi River is the meat and bread basket of the East. It produces the foodstuffs to feed the industrial workers as well as those of all other occupations and professions. It is the best market the East has for its manufactured product. Its consuming capacity and its capacity to pay are larger than that of any other market in the world, and likewise the East is the best market for the agricultural products of the West. It has the largest consuming capacity and capacity to pay of any market for farm products in the world. These markets are joining each other—depending one upon the other—and there is every economic reason why there should be the closest cooperation in removing from the channels of commerce every unnecessary burden.

The country west of the Mississippi River has approached the industrial stage in its development. When it needs building material for its roads and bridges and cities in the creation of its markets at home, and when it proceeds, as it is about to proceed, in this new epoch of industrial development, to curtail its long haul and cut its freight bill in two and to create a market at home, it finds an insurmountable barrier at the Mississippi River on the east and the Panama Canal on the west.

THE BARRIER AT THE MISSISSIPPI RIVER

What is this barrier at the Mississippi River? It is the sudden jump in freight rates, which, for commerce, is almost as effective as a wall. For each 300 miles east of the river the rate on steel is 47.5 cents per hundred. For each 300 miles west of the river the rate is 83.5 cents per hundred. The rate west is more than 75 per cent higher than the rate east. This is the barrier that prohibits the West from shipping in iron and steel from the East. It is the tollgate whose keeper exacts the heavy exactions from the consumers in the West as they buy the manufactured products of the East.

By this transportation embargo, the West is prevented from building up its cities and markets at home. Such difference in rates not only applies to steel but to other products.

RATES ON CLASSIFIED GOODS

Freight is divided generally into numerous classes, each with its own rate, and there are other special commodity rates. We only refer to the five main classes. Class 1 includes dry goods, shoes, and high-class merchandise; class 2 includes hardware, cutlery, tools; class 3 includes high-class groceries, furniture, and so forth; class 4 includes the general run of heavier groceries, such as salt; and class 5 includes carload lots of steel, and so forth. Here [indicating] are the rates per 100 pounds from New York to Kansas City through St. Louis on the various classes. Bear in mind that the distance from New York to St. Louis is 1,050 miles, and from St. Louis to Kansas City is 300 miles.

	New York to St. Louis	St. Louis to Kansas City
Class 1	$1.66	$0.83½
Class 2	1.45½	.63½
Class 3	1.10½	.52½
Class 4	.77	.38
Class 5	.66	.30½

COMPARE THESE RATES

Consider this vicious discrimination against the West on all the goods that we have to buy of you people in the East!

The part of the through rate that is charged from St. Louis to Kansas City ought to be only about one-third of the rate from New York to St. Louis, when actually it is nearly three-fourths.

On dry goods, shoes, and high-class merchandise it is 69 per cent greater. On hardware, cutlery, tools, and so forth,

it is 80 per cent greater. On high-class groceries, furniture, and so forth, it is 73 per cent greater.

On the general run of heavier groceries, such as salt, it is 71 per cent greater.

On the carload classes, of which steel is a typical example, it is 75 per cent greater.

The jump in the rate level at the Mississippi River in each case is so great as to prevent the industrial development of the country west of the Mississippi River and to exact from farm prices the profit that would permit the farmers to enjoy a degree of prosperity.

In the seventies or eighties, when the country was sparsely settled, there might have been some reason and justification for the erection of such a barrier, but since no reason exists to-day, there is no valid claim made anywhere for its continuance, and yet it still remains—the rate level has not been readjusted.

We have had seven years of rate making, with full power to the commission to revise and readjust rates, but the barrier has not been removed. The West says:

Take down the barrier, remove the unnecessary burdens upon commerce, and let it flow as freely as possible between the several States.

THE BARRIER ON THE WEST

Take the barrier on the West—the Panama Canal—the through rates are so low to the coast and the interior rates so high as to erect another barrier on the West which casts a heavy burden upon the interior.

COMPARISON OF INTERIOR AND COAST RATES

The rate on dry goods from Chicago to Enid, Okla., a distance of 832 miles, is $2.275 per hundred. The rate on dry goods from Chicago to San Francisco, a distance of 1,429 miles farther, is $1.58 per hundred. Thus we see that the rate from Chicago to Enid, Okla., is 53 per cent greater than the rate from Chicago to San Francisco, although the distance of the latter is 1,429 miles farther from Chicago than is Enid.

Stated in another way, the hauling of a 30-ton car of dry goods from Chicago to San Francisco, San Francisco being 1,429 miles farther from Chicago than is Enid, Okla., costs $41.70 less than hauling the same tonnage from Chicago to Enid.

Take the rate on steel. From Chicago, a distance of 2,300 miles from San Francisco, for domestic consumption it is $1 per hundred. For export it is $0.40 per hundred. These rates apply on the same commodities between the same points, subject to the same minimum pound weight and the same rule of law which requires earnings in excess of cost.

A 40-cent rate on steel for 2,300 miles when exported to China or any other foreign country and the rate of $1 per hundred when used in construction at home obviously means that one of two things is true—the 40-cent rate covers all the cost and some profit for the 2,300-mile haul to the coast or it is an illegal rate maintained in defiance of law, and that is a burden upon commerce which the consumers of freight should not be required to pay.

When recently interrogated in reference to these rates to the coast, Commissioner Esch blandly explained that they were rates put into effect by the railroads and the commission had never been called upon to determine their validity.

The continuation of such undue preferentials raises the question whether or not the American farmer in the West is not entitled to as much consideration as the Chinaman in the Far East.

VIOLATIONS OF LAW

These illustrations of existing freight structures show a violation of section 4, which declares our policy in transportation matters, of section 2 of the interstate act, prohibiting discrimination; of section 3, preventing unreasonable preferentials and advantages that nullify the minimum-rates provision of section 15. They disrupt the group plan of rate making and prevent the equalization of rates and their equitable apportionment to the commerce of the country; they compel the interior to make up the losses incurred on the competitive rate for the long haul. Why not give farm products the same preferentials?

Recently the Associated Press carried the story of an entire trainload of corn, composed of 50 cars, leaving my home city, Enid, Okla., bound for Europe. That corn was loaded by the Enid Terminal Elevator Co., where it was stored during the last few months. The train contained about 80,000 bushels. The Frisco hauled the train to Fort Worth, from where the Santa Fe took it to Galveston. At the Gulf it was loaded upon a boat headed for Europe. The domestic rate on the corn from Enid to Galveston, a distance of 595 miles, was 32.5 cents per hundred pounds. The export rate was 31.5 per hundred pounds, or a preferential in favor of export rates of 1 cent per 100 pounds. If the 40-cent rate on steel from Chicago to San Francisco, a distance of 2,300 miles, was applied to this shipment of corn, it would result in a saving of freight on the haul of 595 miles of $10,150.70. Or, considering the matter from another viewpoint, the export preferential on steel is 60 cents per hundred pounds. The export preferential on corn is 1 cent per hundred pounds, or a 3 per cent preferential. If corn for export enjoyed the same export preferential as steel, the rate on corn for export would be 12.5 cents per hundred pounds instead of 31.5 cents per hundred, which would result in a saving of $9,120 on the train of corn from Enid to Galveston.

Take another illustration: In 1926 there were about 1,385,471 short tons of wheat exported from the Gulf coast. Supposing that Wichita, Kans., was a central point of its production. The rate on wheat from Wichita, Kans., to Galveston for domestic consumption is 46 cents per hundred pounds and for export 44 cents per hundred pounds. There is, therefore, a 2-cent preferential on export wheat from Wichita to Galveston, or a preferential of about 4 per cent.

Using those rates on the wheat exported from the Gulf coast, the total freight cost would amount to $12,192,144.80. There is a 60 per cent preferential on steel for the 2,300-mile haul from Chicago to San Francisco. If there was a 60 per cent preferential on wheat for export, it would mean an export rate on wheat of 16 cents instead of 44 cents per hundred pounds. Applying that to the wheat exported from the Gulf, the total freight cost would be $4,433,507.20, or a saving to the producers on 1,385,471 short tons of wheat of $7,758,637.60.

Now, suppose this wheat had been carried 2,300 miles on a 40-cent rate, which is the rate applied to steel for export from Chicago to San Francisco, the total freight cost would be $11,837,680. Allowing such freight costs per mile, the costs for hauling from Wichita, Kans., to Galveston, a distance of 723 miles, would be $3,484,158.69, whereas the cost under existing rates would be $12,192,144.80.

In other words, application of the rate on steel on a mileage basis would result in a saving to the farmers, to the wheat growers, shipping to the Gulf for export of $8,707,986.80.

Just why during its long period of depression and surplus, agriculture has not been given an equivalent preferential with steel does not appear. Is it because the dummy directors referred to by the commission as the tools of financial interests financing the roads have been using the transportation facilities of the people as a means of disposing of their steel products, in which they were equally interested, at the expense of agriculture?

It explains how United States Steel has been disposing of its surplus abroad at a profit at the appalling expense of surplus farm products depressed at home. Give the farmers of the country a 60 per cent reduction on basic crops for export and the surplus, with its ruinous price depression of the domestic market, will disappear.

THE EXCUSE FOR SUCH PREFERENTIALS

The railroads attempt to justify this system of rate making under the guise of meeting water transportation through the Panama Canal. They claim that the interior sections of the country must make good the losses in freight revenues diverted through those waters. In other words, the people, having built the canal with their tax moneys, must now pay the roads in excess rates for the resulting losses in freight revenues.

At the present time they are talking about building another canal. If the second canal should be as ruinous to the farmers of the Middle West as the first one has been, it will depopulate that vast section of the country. The roads should be compelled to stand upon their own bottom and meet the competition of the country the same as other industries. They have compelled the people, through the exaction of water competition rates, to fight inland waterway commerce. Just think of it! With the exactions from the people the roads have been driving the boats from the inland waterways. Every time a boat has shoved its prow into the bank of one of the interior rivers, the roads have met it with cut-throat rates to the river points and higher rates to the intermediate points, until to-day the only steamboat navigation on the Mississippi River is that subsidized by the Government.

RATE CONDITIONS IN THE SOUTHWEST

In Consolidated Southwestern cases, decided April 5, 1927, the Interstate Commerce Commission found the classification rates between points in the Southwest and Kansas-Missouri territory to be in a general chaotic condition, complicated and unsatisfactory, with undue prejudice against different points.

Quoting, the commission said:

The record discloses mutual competition under inequitable rate conditions between points in Oklahoma, Arkansas, western Louisiana,

Texas, Kansas, and southern Missouri. In other words, the opportunity to do business is sometimes foreclosed by freight rates. That communities, as well as individuals or industries, may be adversely affected by rate maladministration is clearly illustrated by the testimony in this case.

A TYPICAL EXAMPLE

Take Miami, Okla., as a typical example. It is 13 miles from Baxter Springs, Kans. The spread in first-class rates from St. Louis is 32.5 cents. Between the other class rates the spreads are correspondingly disproportionate. A dealer in Miami received from Detroit 572 Ford automobiles during 1922. The freight charges amounted to $55.07 per automobile. On a similar shipment to Baxter Springs, Kans., the charge would be $51.55 per automobile. To meet that competition the dealer suffered a pecuniary loss of $2,207.80 a year. Merchants at Miami are unable to compete with merchants in Baxter Springs, where the freight is a material factor. In their struggle for commercial existence, many of the people of Miami are moving to Baxter Springs.

In picking a location for a jobbing house or factory one of the first things to be considered is the freight-rate situation. There is keen rivalry between towns in the Southwest for the location of new industries to meet the increased need of the growing population. There is thus an endless chain of actual and potential competition in the distribution of goods or class rates not only within the territory but from and to the border States and cities beyond. Towns paying for like service higher rates than others or paying rates higher, distance considered, than others are placed at a disadvantage and often are deprived of their natural advantage of location.

In its investigation the commission found undue preferentials and discriminations in rates on farm products in the same rate-making district.

A COMPARISON OF WESTERN GRAIN RATES

The following is a memorandum showing a comparison of western grain rates in the same rate-making district. In comparison with the rates of other States in the district it will show vicious discrimination against the farm products of Oklahoma and Texas.

Miles	Minnesota scale	Kansas scale	Oklahoma-Texas scale	Carriers' proposed scale
50	8	10	11	15
100	12	13	15	19
200	14	17½	20	26½
300	16	20	26	34
400	17½	20½	29	39
500	19½		33	44

It will thus be seen that the Oklahoma-Texas scale on a 300-mile haul is 30 per cent higher than the Kansas scale and 62½ per cent higher than the Minnesota scale; on the 400-mile haul the discrimination is nearly 41 per cent in favor of Kansas points and nearly 66 per cent for Minnesota points. The discrimination is shown to be existent all along the line, the Kansas grain rates being from 20 to 30 per cent lower on shipments to Kansas City than are Oklahoma grain rates, generally, to the same point, and Minnesota grain rates to Minneapolis are still lower than are the Kansas rates. If we could secure the Minnesota scale on shipments from Oklahoma to the Gulf, it would mean a reduction of approximately 60 per cent in our wheat rates.

ILLUSTRATING THE DELAY IN RATE RELIEF

The proceedings in the cases cited were instituted in 1923 and finally submitted to the Interstate Commerce Commission on June 19, 1925, and by it decided on April 5, 1927. Because of suspension orders the decision will not become effective until May, 1928, and not then if further deferred.

The freight conditions described by the commission have existed in that southwestern country for years. The rates were fixed by the roads under private regulation and have exacted millions and millions of dollars annually from the people of Oklahoma and other Southwestern States in excess of a reasonable compensatory return. The rates have never been revised or readjusted, although there has been a constant and incessant demand for such relief.

How long is the country going to stand this interminable delay in such proceedings? If it has taken the commission five years to revise and readjust rates in the classified service in the Southwest, how long is it going to take it to revise and readjust rates of all classes throughout the entire country?

The commission has been engaged in the performance of too many other duties imposed upon it by the Congress. It is attempting to administer under 28 different acts of Congress. From time to time it cheerfully accepts enlarged jurisdiction and additional responsibilities and then in their exercise and performance is compelled to redelegate its power. Such redelegation for the performance of the duties purely ministerial in their character is, of course, necessary and expected, but the redelegation of power for the performance of legislative duties is a dangerous procedure and unnecessarily jeopardizes the public interest.

The power to initiate rates for revision and readjustment is the commission's greatest responsibility. There is no other power the commission can exercise which would result in greater benefit direct to all the people. In his December message in 1923 President Coolidge, recognizing this fact, insisted upon the entire reorganization of the rate structure for freight for the relief of agriculture. The commission undoubtedly read the message. Since that time every farm organization in the country and many representative civic organizations, including the Chamber of Commerce of the United States and all of its submembers, urged a revision and readjustment of rates for the relief of agriculture. The commission knows this. It knows that the horizontal increases should not be permitted to stand 24 hours. It knows that the President, the Congress, and the country have been expecting revision and readjustment, and yet during these five years of coma for agriculture, what has it done?

The very fact that after five years the commission has been unable to effect substantial results in revision and readjustment for agriculture when every other line of industry has been abounding with prosperity ought to convince the most skeptical of the inadequacy of our present machinery to administer our regulatory power in rate making satisfactorily to the people.

We have overloaded our machinery of administration. The magnitude of the responsibilities and the multitude of the enormous tasks imposed upon the commission are not adequately appreciated. Visualize for a moment the national railway system of this country.

THE MAGNITUDE OF THE SYSTEM

On December 31, 1926, we had a total owned main-track railway mileage of 249,138.40 miles, including 176,901.80 miles of Class I owned roads; 14,004.80 miles of Class II owned roads; 5,555 miles of Class III; 9,805.27 miles owned by proprietary companies—that is, companies whose entire capital stock and funded debt is owned by some other road; 3,572.40 miles of circular mileage—that is, mileage reported by companies not interstate carriers but which may become so; 38,832.15 miles owned by lessor companies; and an additional main-track mileage of about 466.98 miles—unofficial figure, companies not reporting.

In addition to this main-track mileage there are second, third, and fourth side, passing, terminal, and switching tracks, bringing the aggregate mileage to 421,268 miles. Then there are the roadbeds, culverts, bridges, stations, elevators, warehouses, and office buildings in which the business is carried on. There are 66,847 locomotives, 56,855 passenger-train cars, excluding privately owned cars, and 2,403,967 freight cars, excluding caboose and cars owned by private interests.

These properties in 1919 were tentatively valued by the commission at $18,900,000,000, owned and operated by about 1,728 separate and independent railroad corporations.

For the fiscal year ended June 30, 1927, Class I railways, including switching and terminal companies, reported an average of 1,821,490 employees receiving a total compensation of $3,000,000,000, nearly double the aggregate compensation of 1916, and representing an increase in compensation per employee per annum in the decade of about 80 per cent.

With these facilities and over these tracks are carried each year more than one-half of all the rail traffic of the world.

REGULATION IMPOSES UPON THE COMMISSION MOST GIGANTIC TASK OF ADMINISTRATION

To regulate these properties so as to equitably apportion the tax on commerce to each section of the country is one of the most gigantic problems of administration of modern times. This undertaking alone would be sufficient to test the highest administrative capacity of any commission in the service of the Government. It is a continuing duty requiring the constant personal attention of the commission and the exercise of its legislative functions, but the duties of the commission are not limited to the intricate, complex problems growing out of such regulation. They extend to a far wider field. It has organized 14 bureaus within its department to gather in the re-

quired information essential to the discharge of its many responsibilities.

It must determine the cost of carrying the United States mail by rail as well as regulate commerce through the Panama Canal. The regulation of interstate motor-bus transportation and the consolidation of roads is sought to be included within its jurisdiction.

Then there is the valuation of the roads to be brought down and completed under the act of 1913. Again, there is the investigation to ascertain the efficient, economical, and honest administration of the roads as a factor in rate making, the machinery for which does not exist. The commission is disposing of between 1,400 and 1,500 complaints annually, and yet it is about two and one-half years behind in the hearing of complaints filed. As the number of complaints increase and the field of its activity enlarges, it will not be able to keep pace with the increasing number of complaints. The disposition of these complaints within a reasonable time will become humanly impossible, and we are fast approaching such a condition to-day.

It is not necessary to give a complete list of its statutory duties to show that it is unreasonable to expect prompt and careful consideration of all matters referred to it. An enumeration of a few of its more important functions will suffice for that purpose. It must hold hearings and render decisions on complaints alleging violation of the interstate commerce act on new schedules of rates which have been suspended pending investigation, on applications for certificates of convenience and necessity covering proposed construction, extension, or abandonment, on applications for authority to issue securities, and on applications for authority for a road to acquire control of other roads. It must supervise the regulation of the general level of rates throughout the country to provide the fair return contemplated by section 15a of the interstate commerce act. It is required to enforce the provisions of the interstate commerce act for the recapture of earnings in excess of a fair return and for the administration of the fund resulting from such recapture. It must supervise and prescribe the methods of accounting for interstate railroads, which entails complicated work, such as that involved in the recent reclassification of carriers' accounts and the order concerning the establishment of depreciation reserves. It is charged with the enforcement of the various Federal laws for the promotion of safety, such as the hours of service act, the safety appliance acts, the boiler inspection act, and the provisions of the Interstate Commerce act concerning automatic train-control devices. It must decide applications for permission for a person to hold a position as officer or director of more than one carrier. It must execute various provisions of the Clayton Antitrust Act, relating to interstate carriers, including the supervision of dealings with other corporations having the same officers. During the year 1926 the commission conducted 1,584 hearings and took over 300,000 pages of testimony. From this brief statement of the volume of the work of the commission it clearly appears that it is physically impossible for the commissioners to give prompt and careful personal attention to the innumerable problems which require the exercise of legislative and judicial power. To a very large extent this work must be delegated to subordinates.

NO SCIENTIFIC METHOD OF RATE MAKING

The commission has not had sufficient time to develop a scientific method of rate making. Thus far our rate making has been by guess and by God, with the emphasis on the last two words. It recalls the story of a little girl in western Kansas, who at her morning prayers, as she was about to return to her Missouri home, said: "Good-by, God, we are going back to Missouri." Her wicked brother, who happened to overhear her and was jubilant at the idea of returning home, used the same words in a sentence, but not with the same emphasis. He said: "Good, by God, we are going back to Missouri."

RATE FIXED BY AGREEMENT

Neither the commission, the experts, the shippers, nor the public have any accurate knowledge of the mileage cost of transportation in any section of the country. Where no objections are filed, rates are fixed by agreement between representatives of shippers and by the traffic associations of the roads. Special interests employ traffic experts to haggle down their own rates, without regard to the additional burdens that those rates settle upon the vast multitude of small shippers, with little knowledge of rates or with too small an interest to warrant the employment of traffic experts.

RULE FOR RATE MAKING

Edgar E. Clark, a member of the Interstate Commerce Commission for 15 or more years and recognized as one of the ablest members of that body, in speaking of our rate structure, said:

> I am firmly of the opinion that there is urgent need of a new system of rate making and no hope of it being achieved except under Federal control or with the Government owning the railroads. The so-called blanket grouping of communities, basing points, etc., growth of competitive conditions, in my humble opinion, make for favoritism and are highly uneconomic. In a word, the freight rate has been frequently used as a sort of protective tariff by means of which favored cities or communities have prospered at the expense of others. The freight rate should be made, under proper classification, on the basis of a terminal charge plus straight mileage cost. We are coming to it some day because it is the only just and logical plan, and I think the sooner it is perfected and adopted the better.

BELOW COST RATES

Under the existing system and due to competitive theories and ignorance of the actual cost of service, we have "below-cost" rates to prevent the active use of our inland waterways; "below-cost" rates from coast to coast. We have import and export rates that barely cover the port-terminal service, much less the real haul and port-terminal charges.

AN EQUITABLE METHOD SHOULD BE ADOPTED

According to exhibits in a pending port investigation covering Atlantic and Gulf ports, the losses upon such classes of traffic are so great as to destroy the small margin of profit upon a vastly greater volume of traffic. The plan to ascertain transportation costs under average conditions in every section of the country is feasible and should be worked out. It would settle the long-and-short-haul controversy and the railroad intercoastal problem, protect inland waterways, conserve railroad transportation, and eliminate the transportation waste. Lastly, it would provide an equitable basis for the establishment of rates for all shippers alike where we now have unreasonably low rates to some points and unreasonably high rates to others.

In the language of President Coolidge it would meet the imperative need of the country—

> An entire reorganization of the rate structure for freight and thus relieve in a large degree the depressed condition of agriculture.

To entirely reorganize the rate structure for freight as suggested by President Coolidge and revise and readjust the rates so as to reapportion the burdens of commerce in rail transit equitably alike to every section and industry is a task of such magnitude and importance to the country as to require years in its performance, in study and attention for its continuous adjustment. It alone is of such character and of such vital importance to all the people and every section of the country as to require the undivided attention of an administrative agency.

With our present machinery overloaded as it is we can not hope for such an accomplishment during the next decade. The only alternative for such relief, as suggested by the President, is to provide for additional machinery of administration.

The existing law should be amended so as to provide for the appointment by the President of three resident deputy commissioners for each of the rate-making groups, with power and specific directions to proceed at once with the revision and readjustment of the freight rates in their respective districts, the Interstate Commerce Commission to be given equalization jurisdiction and power to modify and adjust by raises and decreases, so as to secure and preserve uniform rate level, not only for the district but for the entire country; also to have and exercise original and exclusive jurisdiction over intergroup rates and appellate jurisdiction on the record to hear and determine all complaints on appeal from deputy commissioners; the deputy commissioners in each district to have exclusive original jurisdiction over all complaints, limited to those originating and ending in their group; and the Interstate Commerce Commission to have exclusive jurisdiction to hear and determine all intergroup complaints, or complaints including intergroup rates.

Such additional machinery would unload the present commission of much of its detailed and intricate work. It would provide a convenient tribunal in every section of the country to hear and determine group complaints, thousands of which are endured and never filed because of their small amount and the expenditure and length of time required in presenting them to the commission so far distant.

It would afford a complainant a hearing direct before a commissioner responsible to the people and do away with the unsatisfactory procedure of hearing before examiners. It would be setting up procedure in transportation proceedings similar to that which we now have in the civil courts.

In addition to the above it would provide an agency to proceed at once to the very heart of the Nation's need—revision and readjustment of rates.

The Interstate Commerce Commission, thus relieved, would be able to meet the heavy and exacting demands of the intricate and complex problems presented by consolidation of roads, so important to every section of the country. In addition it would be able to render a more efficient administration in its many other fields that will continue to increase in number and importance with the rapidly growing commerce of the country.

More than any other class the farmers are vitally interested in the immediate revision and readjustment of freight rates. They are the only class that is compelled to pay the freight both ways—on everything they sell and everything they buy.

In 1927 they paid approximately $1,000,000,000 in freight rates on their farm products. This did not include forest products. This represented 10 per cent of the total cash income from the sale of farm products and 18.7 per cent of the estimated net farm income for that year. Of the total volume of freight transported over the railroads during 1927, the farmers furnished 11 per cent, and yet by the horizontal increases in freight rates they were compelled to pay 19.8 per cent of the total freight revenues of the roads.

The immediate revision and readjustment of rates on farm products in the Mid West will afford the farmers immediate substantial relief. The reduction in rates will be reflected direct to the farmers in higher prices for their products and a reduction in the prices of their farm implements, building material, and the manufactured goods they purchase from the East.

Here is a method of relief that is workable, sound, and constitutional. The commission is clothed with full power to initiate such revision and readjustment. It needs no additional grant of power from the Congress. Will it drop for the time being the multitude of duties of lesser importance and proceed with its plain duty in this respect as requested by the President five years ago? [Applause.]

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

Mr. HOWARD of Oklahoma. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

Mr. TARVER. Mr. Chairman, reserving the right to object, there are some of us here that have amendments which are vital to our section of the country and upon which we are being denied the right to be heard. If the gentleman's time is extended, it will prevent us from having any opportunity to discuss our amendments; therefore I shall be compelled to object.

Mr. GARBER. I thank the gentleman for his courteous consideration. [Applause.]

Mr. ROBINSON of Iowa. Mr. Chairman and my colleagues, the bill we are now considering, H. R. 13512, introduced by Mr. DENISON, of Illinois, provides for certain amendments and improvements to the act of June 3, 1924, creating the Inland Waterways Corporation.

It increases the capital from five million to fifteen million dollars for the purpose of providing additional equipment—that is, barges and towboats—that is now needed to handle the freight business now being offered to the Barge Line, and to provide the necessary equipment for certain extensions already authorized by law and under process of construction.

Mr. DENISON, the author of the bill, has already explained its provisions in clear, understandable language. Because of my limited time I shall not attempt to cover the same facts, but briefly to call your attention to the great need of Iowa and the Middle West for this legislation.

To us of that great section transportation is a very vital thing. We are located in the central part of this great country. To reach the markets of the world, to reach the markets of the thickly populated sections of our own country, to reach the markets of the manufacturing and industrial sections of our country, to bring their products to us, to take our products to them, transportation is absolutely necessary and all essential.

We are proud of our producing ability; of the fact that we furnish America, and to some extent we furnish the world, with the choice things of life, a superior quality of food, of agricultural products. Iowa and the States adjoining and near by supply America with the food products that make life and living worth while, but we must get these products to you, and this means transportation.

We are your great market for your products and will consume them in ever-increasing quantity, thus furnishing you the best market the world offers. This all requires transportation.

Life in Iowa might almost be described as just one shipment after another. We ship in—we ship out; this constant, never-ending shipment or movement of our commodities out and your commodities in—producing, consuming—this exchange of products means prosperity to us of all sections if it be had in the right proportion and at right prices.

Water transportation is the cheapest transportation known. For bulky, heavy commodities for which rapid transportation is not necessary water transportation is especially adapted. The record shows that this class of commodities can be transported by water at about one-third of the cost of moving them by rail. For sugar, grains, coal, iron ore, steel products, cement, building material, lumber, canned foods, and a multitude of similar products transportation by water will mean a large saving.

For years our Government has been spending large sums to bring this about. We have spent about $250,000,000 improving our rivers. Of what value is it unless we use these rivers? This work is not completed, but it is completed sufficiently to prove its immense value, as shown by transportation on the lower Mississippi River and on the Ohio River.

The upper Mississippi is now ready for this barge service. The channel still needs additional improving and the Government has already provided for it; barges and towboats are now in use on the upper Mississippi but in limited numbers, insufficient to handle the freight business that is offered. We need more barges and more towboats. This bill provides the funds to secure them.

Dubuque, Iowa, in my district—a fine, alert, progressive, prosperous city of about 50,000 population—is now completing a dock and terminal system, costing from four hundred to five hundred thousand dollars, to handle incoming and outgoing freight on this barge line. We there have a joint rail rate that carries some of the benefit of the reduced rates into the interior of the country. This is an essential factor in the transportation problem and this bill provides for its extension.

It is greatly to the credit of cities like Dubuque and others that they have used their credit and their money to build modern dock and terminal facilities and lease them to the Inland Waterways Corporation at a low rental for use of the barge line and connecting rail carriers. Without these facilities a demonstration of the usefulness of the barge line would be almost, if not entirely, impossible.

It is not the purpose of those who favor this legislation to keep the Government permanently in the water transportation business. Our purpose is just the opposite—to have the Government dispose of the barge line to the best advantage possible as soon as conditions are such that private capital and business can be induced to take it over and operate it under conditions somewhat similar to those required of other carriers—that all carrier business, rail and water, shall be operated by private business under regulation of the Interstate Commerce Commission in the interest of the whole Nation.

The report of the Interstate and Foreign Commerce Committee on this bill gives the following:

DECLARATION OF POLICY

Paragraph (c) of the bill is a declaration of the policy of Congress with reference to the continuance of the operations of the Inland Waterways Corporation and provides the conditions under which the operation of such service by the Government may be terminated and the facilities of the corporation disposed of. It states that it is the policy of Congress to continue the transportation service of the corporation until the following conditions shall have been met: (1) There shall have been completed in the rivers where the corporation operates navigable channels, as authorized by Congress, adequate for reasonably dependable transportation service thereon; (2) terminal facilities shall have been provided on such rivers reasonably adequate for joint rail and water service; (3) there shall have been published and filed under the provisions of the interstate commerce act such joint tariffs with rail carriers as shall make generally available the privileges of joint rail and water transportation upon terms reasonably fair to both rail and water carriers; and (4) private persons, companies, or corporations are ready and willing to engage in common-carrier service on such rivers.

This paragraph of the bill declares the policy of Congress. By this provision Congress announces to the cities along the Mississippi and its tributaries that the service of the corporation will be continued until suitable channels shall have been completed and suitable terminals shall have been provided. These cities will not incur the heavy expenditures for the construction of terminals without some assurance that transportation service will be provided. Modern water transportation by barges and towboats requires a special type of terminal for the exchange of traffic. Such terminals are very expensive, and there can be no private operation of water transportation until such terminals are available. The Government is endeavoring, through the operations of the Inland Waterways Corporation, to encourage the development of

transportation on the inland waterways of the country and its operation by private interests. For this purpose Congress announces to the States and municipalities along this river system that the Government will provide this service, and it invites such States or municipalities to construct suitable terminals to the end that private capital may be attracted to invest in the water transportation business.

THE RIVERS ARE OUR NATIONAL HIGHWAYS

The United States has a larger system of navigable rivers than any other country in the world. These rivers are the Nation's natural highways, over which, by the Constitution, the Federal Government is given jurisdiction in the interest of commerce. From our early history it has been the policy of the Government to improve these highways for navigation; we have now expended $250,000,000 from the Public Treasury deepening the channels, revetting the banks, and otherwise improving our rivers for commerce. Sixty million dollars more will be required to complete them. The Monongahela River has already been completed and now more commerce is transported over that river than any other river of the same size in the world. The Warrior River has been completed and is now available for transportation from Birmingport near Birmingham to Mobile, a distance of 440 miles. The Ohio River will soon be completed. Work is now progressing on Dams 52 and 53, and when these dams are completed the Ohio River will be canalized from Pittsburgh to Cairo; and as the work progresses commerce is getting ready to use this great river. The Mississippi has been practically completed from Cairo to the Gulf, and work is now progressing on the upper Mississippi, the Missouri, and the Illinois. But the country will never realize any benefits from the money that has already been expended in the improvement of these rivers until their improvement has been completed.

Now, for what purpose has Congress expended this vast amount of money? Why are we still spending $50,000,000 a year on our rivers and harbors? It has been done in the hope that when improved they would serve as free highways for the Nation's commerce; and this vast expenditure will have been totally lost if commerce is not put back on the rivers when they are improved. In former years there was considerable commerce on our rivers, transported largely by the old packet steamers; but years ago the packet steamers were driven from the rivers by the competition of the railroads, and commerce practically disappeared from our inland waterways.

Water transportation is the cheapest transportation that is known. The cheapest transportation in the world is on the Great Lakes. The Inland Waterways Corporation is transporting freight on the Mississippi and Warrior Rivers at a substantial profit for about 4 mills per ton-mile, while the average rail rate in this country is 11 mills per ton-mile. It is impossible for the railroads to transport freight as cheaply as it can be transported by water. The older countries of Europe appreciated the economy of water transportation generations ago and have utilized their rivers and canals as their principal means of transportation. The cheaper transportation made available by the operations of the Inland Waterways Corporation on the Mississippi River from St. Louis to New Orleans has resulted in a direct saving to the farmers of the Middle West of from 1½ to 3 cents a bushel on their wheat. It can readily be seen what a possibility for substantial savings there will be for the farmers of the country if this service can be made more generally available by improving the tributaries of the Mississippi and developing privately owned transportation thereon.

The principal difficulty in recent years with American agriculture has been that our great farming area lies so far in the interior of the country that the cost of transporting supplies from the seaboard to the farming communities and of transporting the products of the farm to the seaboard has largely wiped out the farmers' profits. In the Argentine Republic and in Australia and other countries which compete with the United States in agricultural products the agricultural sections are located near the sea, and the farmers do not suffer from the high cost of rail transportation, as is the case in the United States.

Another result of the vastness of our territory and the location of our great farming interests in the interior of the country has been the inability of our interior communities to build up and support industries, and the unnatural concentration of industrial development along our seaboard. This requires the agricultural communities to pay high rail transportation on all the supplies they have to buy and high rail transportation on all the products they have to sell. If great industries could be located in the interior part of the country, if population could be increased nearer the agricultural regions, so that agriculture could find a market for its products nearer home and could purchase its supplies from sources nearer home, the burden of transportation would be largely eliminated and agriculture in this country would to that extent be rehabilitated. These natural difficulties to our agricultural sections can be largely overcome by the improvement of our rivers and by providing the interior sections of our country with cheaper transportation which our great inland waterways can afford.

It is believed by the committee that with the development of our inland waterways and the return of commerce thereon the great interior sections of the country will be developed industrially, and will be made more accessible to the sea, and the burden of expensive rail transportation from the interior to the seaboard will be largely overcome. It is said by some of the best transportation men of the country that the transportation business of the United States will double every 15 years or less. It is the duty of Congress to look to the future and encourage the development of adequate transportation facilities to care for this increasing commerce of the country. The development of commerce on our waterways will do no serious injury to the railroads. It will merely afford a supplemental system to aid the railroads in taking care of the commerce of the future. And it is certainly the duty of Congress to encourage the development of any kind of transportation that will promise to the people of the country, and particularly of the agricultural sections, a cheaper form of transportation.

So, looking forward to the future and realizing the rapid growth of our population and the inevitable increase in the transportation business of the country, and appreciating the desirability of affording to the country the cheapest possible transportation that can be made available, the committee believes that it will be wise for Congress to do what it reasonably can to further carry out the purposes expressed in section 500 of the transportation act of 1920 and carry on for a while the work now being done by the Inland Waterways Corporation, with a view to removing as fast as possible those conditions which have in the past prevented, and are still preventing, the investment of private capital in transportation facilities on our inland waterways.

The Inland Waterways Corporation has been doing splendid work. It is showing to the country the practicability and the economy of water transportation. It is developing suitable types of barges and towboats for the different rivers and the most economical use of fuels for such facilities. It is developing the most suitable and economical terminal facilities, and is showing to the country the economies that will be available by the joint use of rail and water service.

With these obstacles largely overcome, it is the belief of the Committee on Interstate and Foreign Commerce that private capital will readily invest in transportation on our waterways; the Government will have done its full duty in fostering such transportation, and can then dispose of the facilities of the corporation and withdraw from this service which has been so necessary and which it is now carrying on with the promise of such marked success.

This transportation by water is not for the purpose of harming other and very necessary transportation, but that together, working in harmony, rail and water transportation, may bring to our people cheaper transportation for the class of commodities that can as well be transported in this slower way in large bulk and quantity and help solve the problem of freight facilities for the increased transportation business of the future.

It is not a very large thing that we are asking of you. The Middle West is entitled to a fair trial of river freight transportation. It has already proven its success on the lower Mississippi. We believe it will prove it on the upper Mississippi, and that together, upper and lower Mississippi, and tributaries its success will be still greater, and the ultimate benefit to our people of all sections of our country will be well worthy of the effort. [Applause.]

Mr. WRIGHT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Georgia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WRIGHT: Page 3, line 1, after the word "any," strike out the words "tributary or"; also strike out all of line 2, on page 3, up to the word "not," and insert in lieu thereof the words "navigable river or waterway of the United States."

Mr. WRIGHT. Mr. Chairman and gentlemen of the committee, under the provision of this bill it is sought to extend this barge-line service on tributaries of the Mississippi, not including the Ohio. Heretofore, as I understand it, the service has been confined to the Mississippi and to certain streams in the State of Alabama, including the Warrior River. This bill proposes to maintain this service, but in addition to extend it to tributaries of the Mississippi River, not including the Ohio.

Gentlemen of the committee, why make a ward or a pet of the tributaries of the Mississippi River and treat every other river in the United States as an orphan and an outcast?

Mr. WYANT. Will the gentleman yield?

Mr. WRIGHT. I will.

Mr. WYANT. The shippers along the Monongahela, the Allegheny, and the Ohio do not want the operation of Government barges in those rivers. They appeared before the committee and protested against it.

Mr. WRIGHT. I do not know what they want out there, but I know various States in the United States would very much like to have this barge-line service extended.

Mr. ABERNETHY. And we want it on the inland waterway.

Mr. WRIGHT. Yes. This does not mean that just any river in the United States would be eligible, but it means a

river which may become navigable and a river which meets the requirements laid down in this bill. So why exclude every river in the United States except tributaries of the Mississippi, especially in view of what we have just done for the Mississippi and the people in that great section.

I think this bill is absolutely discriminatory and should not pass the House in this form. If this service is good for transportation on the Mississippi and its tributaries, why not for every waterway of the United States? [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia.

The question was taken, and the amendment was rejected.

Mr. LAGUARDIA. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment by Mr. LAGUARDIA: Page 4, line 11, after the word "carriers," strike out the semicolon and insert a period and strike out the remainder of the paragraph.

Mr. LAGUARDIA. Mr. Chairman, inasmuch as time is limited, I will only take three minutes. Mr. Chairman, I am in sympathy with this bill, but I am not in accord with the policy stated by the sponsors of the bill and intended to enact into law that the purpose or policy of the Government is to inaugurate this barge service, build it up, operate if the returns show a loss, and when the operation is at such profit-paying basis as to invite private persons, companies, or corporations to express their willingness to carry on the service, then immediately and automatically put the Government out of business.

I am for Government operation of transportation, and I do not hesitate to say so. I will be frank about it. Now, let me point out, with such a policy in the law, I am sure the committee does not want to go as far as this bill does, any time a private company or corporation is willing to take up the service because it is profitable the Government may, by the commitment contained in the bill, be compelled to cease operations and turn the business over to private operation. I do not see why you can not strike out that expression of policy and let a future Congress decide if the Government is to go out of business. I do not believe that after the Government has initiated and built up the service it should give it up. If the Government is to operate it, build it up, and sustain the losses, let us provide that the Government shall operate when it is profitable.

I want to say that many of the sponsors of this measure are the most rabid anti-Government operation men, including the distinguished chairman of the committee, my colleague from New York [Mr. PARKER], and yet they are people who come here and say that this river transportation is necessary, that we have got to have it, that private corporations or private initiative will not take hold of it, that we have got to do it, and we have to increase the capitalization and are going to do it; but as soon as it is a profitable, paying business, as soon as that private company or corporation expresses a desire to carry on the operation, then we will go out of the business. Then after this pioneer work is over, it will be pointed out that the Government operated at a loss and private companies at a profit. That is not fair. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. LAGUARDIA].

The question was taken, and the amendment was rejected.

Mr. TARVER. Mr. Chairman, I have an amendment which I have sent to the desk.

The Clerk read as follows:

Amendment by Mr. TARVER: Page 3, line 2, after the word "waterway," insert the words "of the Mobile River or."

Mr. TARVER. Mr. Chairman, this amendment is vital to that part of the country which I have the honor to represent. At this time the Inland Waterways Corporation is operating on the Mississippi River, and also on the Mobile River and the Tombigbee River and the Warrior River. It operates on every river of the Mobile River system except the Alabama-Coosa, a tributary of that system that runs 750 miles into northwest Georgia on which there originates commerce worth $200,000,000 annually.

You are extending the benefits of this law to tributaries of the Mississippi which may in the future become navigable, and if you are going to extend it to every tributary of that river why should you exclude the tributaries of the Mobile River which do not receive these benefits now? I am asking you for fair treatment in behalf of this great country from which I come. I am asking you not to discriminate against these people that would be benefited by the operation of barge lines on the Alabama-Coosa River. I ask you to extend the benefits of this law to all the tributaries of the Mobile River, including the Alabama-Coosa River extending 750 miles into my district from the Mobile, as you are proposing to extend them to tributaries of the Mississippi.

In common with other Members of Congress from my State and my section I have been supporting all legislation proposed in the interest of the Mississippi Valley people. I have felt a deep interest in their problems and I have tried to work in cooperation with them. I now appeal to their Representatives not to vote to discriminate against the people living along this tributary of the Mobile River, but to include that tributary as you have included all tributaries of the Mobile River system with this exception, and to authorize, when it shall be made navigable, operation of barge lines thereon by the Inland Waterways Corporation in the same manner that you are authorizing such operation on tributaries of the Mississippi.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia.

The question was taken; and on a division (demanded by Mr. TARVER) there were—ayes 35, noes 81.

So the amendment was rejected.

Mr. PARKER. Mr. Chairman, I ask unanimous consent that all debate upon this section and all amendments thereto be now closed.

Mr. BURTON. Mr. Chairman, I do not want to interfere but I should like to be heard for a very few minutes on this proposition.

Mr. PARKER. Under an agreement I was forced to make by the House, I agreed to move to rise in 30 minutes. If the gentleman wants to force me to make that motion, I shall have to do it.

Mr. BURTON. Mr. Chairman, I do not feel like taking that responsibility, but I do regard the debate upon this bill as very insufficient.

The CHAIRMAN. The gentleman from New York asks unanimous consent that debate upon this section and all amendments thereto do now close. Is there objection?

There was no objection.

Mr. ANDRESEN. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. ANDRESEN: Page 3, line 3, after the word "been" insert the words "completed or."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HUDSON. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. HUDSON: Page 3, line 1, strike out, beginning with line 1, all the following lines, including line 23.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. HUDSON) there were—ayes 7, noes 62.

So the amendment was rejected.

Mr. McDUFFIE. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment by Mr. McDUFFIE: Page 2, line 2, after the word "river," insert the words "and the Warrior River system."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. DENISON. Mr. Chairman, I have three perfecting amendments, which I send to the desk.

The Clerk read as follows:

Mr. DENISON offers the following amendment: Page 1, line 7, after the figures "1924," insert the following: "(152, ch. 2, title 49, Code of Laws of the United States; ch. 243, vol. 43, p. 360, United Statutes at Large)."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Amendment by Mr. DENISON: Page 4, line 22, after the word "facilities," insert a comma and the following words: "or any unit thereof."

Mr. DENISON. That amendment, Mr. Chairman, will authorize the sale or lease of the corporation's facilities on the Warrior River, which is one unit, separately from the facilities of the corporation on the Mississippi River and its tributaries, which is or will be a separate unit.

The amendment was agreed to.

The Clerk read as follows:

Amendment by Mr. DENISON: Page 5, line 7, after the word "corporation," strike out the semicolon and insert a comma and the following words: "together with ample security by bond or otherwise to insure the faithful performance of such agreement."

Mr. DENISON. That amendment, as well as one similar to the last one, was asked by the Secretary of War.

The amendment was agreed to.

Mr. HOCH. Mr. Chairman, I offer the following perfecting amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. HOCH: Page 5, line 25, strike out the words and figures "subsection 3" and insert "paragraph (3)."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. PARKER. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FROTHINGHAM, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 13512) to amend the act entitled "An act to create the Inland Waterways Corporation for the purpose of carrying out the mandate and purpose of Congress, as expressed in sections 201 and 500 of the transportation act, and for other purposes," approved June 3, 1924, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Under the rule the previous question is ordered. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross. The question is on agreeing to the amendments.

The amendments were agreed to.

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

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

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were presented to the House of Representatives by Mr. Latta, one of his secretaries, who also announced that on the following dates the President approved and signed bills of the House of the following titles:

On May 16, 1928:

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. 4588. An act authorizing an appropriation for the repair and resurfacing of roads on the Fort Baker Military Reservation, Calif.;

H. R. 4619. An act for the relief of E. A. Clatterbuck;

H. R. 5297. An act for the relief of Christine Brenzinger;

H. R. 5935. An act for the relief of the McAteer Shipbuilding Co. (Inc.);

H. R. 8810. An act for the relief of John L. Nightingale;

H. R. 11809. An act to authorize an appropriation to complete the purchase of real estate in Hawaii;

H. R. 11960. An act for the relief of D. George Shorten;

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. 4303. An act for the relief of the Smith Tablet Co., of Holyoke, Mass.;

H. R. 9481. An act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1929, and for other purposes;

H. R. 10067. An act for the relief of Marion Banta; and

H. R. 10799. An act for the lease of land and the erection of a post office at Philippi, W. Va., and for other purposes.

On May 17, 1928:

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

H. R. 13032. An act to amend the act of February 8, 1895, entitled "An act to regulate navigation on the Great Lakes and their connecting and tributary waters"; and

H. R. 13037. An act to amend section 1, rule 2, rule 3, subdivision (e), and rule 9 of an act to regulate navigation on the Great Lakes and their connecting and tributary waters, enacted February 8, 1895 (ch. 64, 28 Stat. L., sec. 645).

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 8314. An act to amend an act of Congress approved March 4, 1927 (Public, No. 795, 69th Cong.), to provide for appointment as warrant officers of the Regular Army of such persons as would have been eligible therefor but for the interruption of their status, caused by military service rendered by them as commissioned officers during the World War;

H. R. 10363. An act to provide for the construction or purchase of two L boats for the War Department;

H. R. 10364. An act to provide for the construction or purchase of two motor mine yawls for the War Department;

H. R. 10365. An act to provide for the construction or purchase of one heavy seagoing Air Corps retriever for the War Department; and

H. R. 10786. An act authorizing surveys and investigations to determine the best methods and means of utilizing the waters of the Gila River and its tributaries above the San Carlos Reservoir in New Mexico and Arizona.

The message also announced that the Senate agrees to the amendment of the House of Representatives to the bill (S. 3057) authorizing the Secretary of War to transfer and convey to the Portland Water District, a municipal corporation, the water pipe line, including the submarine water main connecting Fort McKinley, Me., with the water system of the Portland Water District, and for other purposes.

The message further announced that the Senate disagrees to the amendments of the House of Representatives to the joint resolution (S. J. Res. 46) providing for the completion of Dam No. 2 and the steam plant at nitrate plant No. 2 in the vicinity of Muscle Shoals for the manufacture and distribution of fertilizer, and for other purposes, agrees to a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MCNARY, Mr. NORRIS, and Mr. SMITH to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 3676. An act authorizing the Turtle Mountain Chippewas to submit claims to the Court of Claims.

The message further announced that the Senate agrees 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. 11133) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1929, and for other purposes.

The message also announced that the Senate agrees to the amendments of the House of Representatives to the amendments of the Senate Nos. 46, 56, and 57 to the bill (H. R. 11133) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1929, and for other purposes, and that the Senate recedes from its amendment No. 1 to said bill.

REAPPORTIONMENT OF REPRESENTATIVES

Mr. MICHENER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 207, which I send to the desk and ask to have read.

The Clerk read as follows:

House Resolution 207

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 H. R. 11725, a bill for the apportionment of Representatives in Congress. That after general debate, which shall be confined to the bill and shall continue not to exceed three 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 arise 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. MICHENER. Mr. Speaker, this resolution makes in order the bill H. R. 11725, which is commonly known as the reapportionment bill. By the terms of the Constitution a Federal census is taken once every 10 years. By the terms of the same Constitution it is contemplated that this Congress

shall reapportion the Representatives in this body once in every 10 years.

Beginning with 1790, the Congress of the United States has observed carefully this constitutional provision down to and including the year 1910; and after each decennial census there has been a reapportionment within two years after the taking of the census until 1920. The matter of reapportionment has been before Congress constantly since 1920.

In the Sixty-sixth Congress, as well as in the Sixty-seventh Congress, Congress by a majority vote decided not to reapportion. The technical reason given by the Members at that time was that the census was not fair; that we were just following up a great war; that the people throughout the country were not settled; that they were not at home, if you please, when the census was taken; and many have thought that that census was inaccurate, and that disadvantage would be given to certain communities, and they based their opposition to a census bill or reapportionment bill, as evidenced by the debate here, upon such bottom.

But, Mr. Speaker, the real motive that I think is generally understood by the House to have operated in defeating the reapportionment legislation is the fact that certain States will lose, provided the number of Representatives is kept at 435. In my judgment there has not been a time since 1920 when this Congress would not by a majority vote have reapportioned, provided that every State retain the number of Members now sitting in this body, and that increases be provided in other States.

One proposition was to increase the number to 483. Another proposition was to increase it to 460. To increase the number to 483 under the 1920 census would permit each State to retain its present number of sitting Members. But there must come a time, Mr. Speaker, when we must discontinue this increasing. In the years gone by we have continually increased the number of Members of the House until to-day this body has reached a size where it is unwieldy. If the size is increased, the Hall must be enlarged. No good results, in my judgment, can come from an increase in the size of the membership of this House; there are too many now.

Now, I shall not undertake to explain this bill in detail. It will be explained fully by members of the Committee on the Census. But it does deal with matters in a way whereby those Members whose States will now lose will not be embarrassed by voting for that kind of a bill.

This is anticipatory legislation. It seems to meet an emergency situation which might develop after the census of 1930. We have faced this emergency so far as reapportionment is concerned since the census of 1920, and I think I am speaking the truth when I say that there are enough States losing under the 1920 census that any reapportionment in this Congress is impossible unless, of course, the number of Representatives be increased, and I am satisfied that the sentiment of the country is opposed to a greater number in this body at this time. There is every reason to believe that some States will lose under the 1930 census, and the Census Bureau estimates that in order to prevent any State losing the number of Representatives it now has that the number of Representatives must be increased to approximately 550 Members. If I am right in my conclusion as to why Congress has been unable to function in the matter of reapportionment since 1920, then there is much more reason to believe that it will be increasingly difficult to do the same constitutional task after the census of 1930.

Some objections have been raised to the provision in the bill permitting the Secretary of Commerce to perform certain ministerial acts. As to the constitutionality of this provision I have no doubt. The Supreme Court has recognized delegated power in the Tariff Commission, in the Treasury Department, and in the Interstate Commerce Commission far exceeding any power here delegated. In 1850 the Thirtieth Congress provided that the future reapportionment made on the basis of the 1850 census should be made by the Secretary of the Interior, and it was so made and approved.

Much discussion has been had in reference to the method mentioned in the bill, and known as the "method of major fractions." A full explanation of this procedure is contained in the committee report, copies of which are in the hands of the members. If this method is not acceptable to the House, then the method of "equal proportions" may be substituted when the bill is under consideration. We are told by the mathematicians that each method is mathematically correct. Every Member in this body holds his seat to-day by virtue of the reapportionment of 1910, at which time the method of "major fractions" was used, and I have yet to hear any criticism of that system as adopted in 1910, and it strikes me that the objections here raised in this particular are resorted to by opponents of any reapportionment that does not increase the size of the House.

The following States would lose under an apportionment of a House of 435 Members based on the 1920 census:

Indiana	1
Iowa	1
Kansas	1
Kentucky	1
Louisiana	1
Maine	1
Mississippi	1
Missouri	2
Nebraska	1
Rhode Island	1
Vermont	1
Total	12

The probable losses in representation by States on the basis of estimated population of approximately 123,000,000 for 1930, with the size of the House at 435, are as follows:

Alabama	1
Indiana	2
Iowa	2
Kansas	1
Kentucky	2
Louisiana	1
Maine	1
Massachusetts	1
Mississippi	2
Missouri	3
Nebraska	1
New York	1
North Dakota	1
Pennsylvania	1
Tennessee	1
Vermont	1
Virginia	1
Total	23

The probable gains in representation by States on the basis of the estimated population for 1930, with the size of the House at 435, are as follows:

Arizona	1
California	6
Connecticut	1
Florida	1
Michigan	4
New Jersey	2
North Carolina	1
Ohio	3
Oklahoma	1
Texas	2
Washington	1
Total	23

The Congress must eventually meet the issue as to whether or not the size of the House is to be increased every 10 years, and I doubt if there are those present who would advocate a continuous increase. Therefore it seems the part of wisdom and statesmanship to meet the issue squarely at this time. For my own part I am convinced that this body would be more efficient with 300 Members than with its present 435, and I will vote to reduce the number accordingly. This is not a matter of partisan politics. It is not a sectional question. It is a constitutional question and requires unbiased consideration and unselfish action.

I do not believe there will be any opposition to the rule which we are now considering making consideration of this bill in order at this time.

Mr. Speaker, I now yield five minutes to the gentleman from Iowa [Mr. RAMSEYER].

The SPEAKER. The gentleman from Iowa is recognized for five minutes.

Mr. RAMSEYER. Mr. Speaker and Members of the House, I agree with almost everything that the gentleman from Michigan [Mr. MICHENER] has said. But there are some things on which I do not agree with him. The first thing on which I agree with him is that this bill should be considered. I am opposed to the bill, but I am in favor of the rule. The bill comes from one of the great committees of the House; a committee which has given a perplexing proposition careful consideration and has tried to meet a practical situation and solve a difficult problem. I think they are entitled to have their bill considered, and I hope there is no one here who is opposed to the principles of the bill who will vote not to give it consideration.

Now, I agree in some other respects with the gentleman from Michigan. I believe that this House is large enough. In former years when confronted with reapportionment of the House membership after each decennial census the Congress has done the easy thing and increased the membership, so that no State would lose in its membership. I understand if this practice is followed, in 1930 the membership of this House would be 100 more than it is now. If you keep up this practice, it will not

be many years until we have a House here of 700 or 800 Members. The House now is large enough.

If the House membership is kept at the present number of 435, my State will lose one or two or maybe three Members; no one knows exactly. In the winter of 1920–21 the short session, a bill to reapportion the House membership passed this House, holding the number down to 435, and under the estimate then made Iowa would have lost a Member, and every Member on the Iowa delegation agreed that I individually had the poorest location strategically in the State as it would have been impossible to redistrict the State without pushing me into the district of one of my colleagues and thereby eliminating me from this service. Notwithstanding that, and notwithstanding that Iowa would lose, I was so firmly convinced that the membership of the House was large enough that I with one other Iowa Member of the House who was going out, voted for the 435 and against the increase.

I believe in facing my responsibilities and my duties manfully and with my eyes open. We are going to take a census in 1930. This Congress will in the short session of the next Congress have the reapportioning to do. If I am here then I am willing to face that proposition, and I am going on record now in saying that I will oppose an increase in the membership of this House. But I want to face that situation with my eyes wide open.

Some of you fellows who were raised on a farm have probably had the experience of trying to lead a horse into a place where he did not want to go or was afraid to go. You blindfolded him, petted him a little, got him less nervous, and then led him into the place where he should have gone with his eyes open. Now, the proposal here is based on the assumption that you are too cowardly to face the situation when the time comes. That you are afraid of the consequences and that you have not the intelligence and patriotism to do that which is wisest for the country in 1931. Therefore, confessing to yourselves that you lack the intelligence, the patriotism, and the courage to face an embarrassing situation manfully when it shall come before you during the second session of the next Congress, you are going to blindfold yourselves by passing this bill and let somebody else lead you into doing that which you now say to yourselves should be done in the future, three years hence. That is the whole proposition in a nutshell. I am for reapportionment immediately following the 1930 census. On principle I am opposed to telling some one else to do what is the duty of this Congress to do. To reapportion and to hold down the membership of the House is a duty imposed by the Constitution on Congress. I am not going to announce to the world by voting for this bill that the next Congress will not have the intelligence, courage, and patriotism to make a wise reapportionment of the Members of this House. [Applause.]

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

Mr. MICHENER. Mr. Speaker, I yield 10 minutes to the gentleman from Alabama [Mr. BANKHEAD].

Mr. BANKHEAD. Mr. Speaker and gentlemen of the House, I am opposed to the principles and provisions of this bill, and I trust it will be defeated on the final vote in the House. For that reason I opposed the rule in the Committee on Rules, and I shall vote against the adoption of the resolution provided for in the rule, although I do not insist that anybody else should do so. I think it is probably fair, in view of the importance of this proposition, and in view of the criticism that has been indulged in upon the part of the press and other sources, that this matter should at least have consideration.

Gentlemen, I am opposed to this bill primarily for the reason so well stated by the distinguished gentleman from Iowa [Mr. RAMSEYER]. If the Congress of the United States is legitimately subject to any criticism or odium for failing to perform a so-called constitutional mandate to pass a reapportionment bill, certainly we can well afford to wait two more years in order to get the real facts of the new census to guide the Congress in making its decision on this question of reapportionment. In other words, if we have neglected our constitutional duty, we have neglected it now for some eight years, and certainly neither our reputations nor the safety of the country could suffer much by a continuance of the proposition for two years more.

This is merely a gesture in effect. Whatever this Congress does with reference to reapportionment under the census of 1930 would in no wise, either constitutionally or morally, be binding upon the Congress which will come into effect two years from now. For that reason it seems to me it is the part of wisdom, as well as of courage and of intelligence, that the Congress whose duty it will be to reapportion the country under the census of 1930 should be trusted with the performance of that duty.

It has been asserted that the census of 1920 does not now afford a fair basis for any attempt to make a reapportionment. It will be pointed out to you by those who will speak on the bill that that was a time of instability of population; that the country had not had time to readjust itself from the migrations incident to the World War; and, in fact, gentlemen, when this next census is taken there may be some rather startling revelations with reference to an equitable and just reapportionment of the country based upon the population of 1930.

There is another proposal here which I do not like. Congress from time to time has been justly charged with abdicating a great many of its constitutional duties and functions, and here is a proposal that the Congress of the United States, which is charged with this responsibility under their oaths, shall abdicate it and turn it over in advance, upon a mathematical thesis, if I may call it that, to the executive branch of the Government, in effect, to reapportion the Congress of the United States, and I am opposed to that principle. [Applause.] If Congress of the United States itself, when it convenes after the census has been taken, has not the wisdom, the courage, and the prudence to take into consideration all of the practical factors and equations in the case then certainly our forefathers should not have lodged that duty in us. I think, as the part of wisdom, as a matter of practical politics—and I speak that in its highest and best sense—and as a matter of carrying out our duties under the Constitution we ought to postpone this reapportionment until the next census is taken, because it might be the best judgment of this House, in order that no State might lose its representation in Congress, that the membership of this body should be increased. We do not know what is going to be the judgment or the will of the Congress after the census of 1930.

In view of these propositions it seems to me, gentlemen, this bill ought not to pass, but that we ought to defer action until we have all the facts before us, and then perform courageously our constitutional duty.

Mr. CELLER and Mr. LINTHICUM rose.

Mr. CELLER. Will the gentleman yield for a brief question?

Mr. BANKHEAD. Yes; if I have the time.

Mr. CELLER. I would like to get the gentleman's view as to the constitutionality of this delegation of authority. Is it not a delegation of legislative authority?

Mr. BANKHEAD. I assume, although I have not given that question any serious consideration, that it is a delegation of authority that might well be carried out under the terms of this bill. I have not investigated that and I am not prepared from the standpoint of a lawyer really to answer the gentleman's question.

Mr. RANKIN. The gentleman realizes that under this bill the Department of Commerce would have the right and the duty of taking the census, and if this bill should pass in its present form we would be delegating to that same department that takes the census and passes on it also the power to reapportion Congress.

Mr. BANKHEAD. Yes; that is true; and there is another feature of this bill, gentlemen, I want to call to your attention. According to the language of the bill this is not a temporary expedient that we are framing up here in order to meet some criticism that has been hurled at the Congress of the United States because of its failure to perform its constitutional duty. Under this bill you are preparing a perpetual system by which every 10 years, if for any reason the Congress of the United States should fail to make the apportionment, the Secretary of Commerce for all time to come will have that right vested in him.

Mr. COLE of Iowa. Will the gentleman yield for a question?

Mr. BANKHEAD. I yield first to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. The gentleman from New York [Mr. CELLER] asked the question I had in mind.

Mr. COLE of Iowa. Is there anything in this bill, if enacted, that would prevent the first Congress meeting after the census from reapportioning the country regardless of what we do here now?

Mr. BANKHEAD. Why, absolutely nothing. As I argued a few moments ago, if we should pass this bill and set up this formula of reapportionment based upon the contingencies expressed in the bill, the Congress which it would affect would have the constitutional right to come in and absolutely repeal, modify, or change it in any particular. So I say it is merely a legislative gesture in its present form.

Mr. COLE of Iowa. But in case the Congress at that time should not make the reapportionment, then this bill, if enacted, would apply.

Mr. BANKHEAD. I think it would, if held to be constitutional.

Mr. LOZIER and Mr. JACOBSTEIN rose.

Mr. BANKHEAD. I yield first to the gentleman from Missouri.

Mr. LOZIER. This proposed legislation does not purport to attempt to do anything now?

Mr. BANKHEAD. No.

Mr. LOZIER. It is obviously anticipatory legislation; and, reduced to its lowest terms is not all this bill does to declare a national policy and attempt to commit subsequent Congresses to an adherence to that policy?

Mr. BANKHEAD. I think that is a good analysis of this bill.

Mr. MOORE of Virginia. Will the gentleman yield for a question?

Mr. BANKHEAD. Yes; I yield to the gentleman from Virginia.

Mr. MOORE of Virginia. Does the gentleman find that Congress has ever undertaken to make an apportionment prior to the census being actually taken?

Mr. BANKHEAD. Not that I know of.

Mr. JACOBSTEIN. Will the gentleman yield there for a correction?

Mr. BANKHEAD. Yes.

Mr. JACOBSTEIN. I think the gentleman will find that in 1850 the Congress did do exactly what is being done under this bill, and the reapportionment was actually made by anticipation.

Mr. MOORE of Virginia. How far in anticipation?

Mr. JACOBSTEIN. Just like is proposed under this bill—one Congress in advance.

Mr. RANKIN. The gentleman does not mean to say that Congress delegated the power to make the apportionment?

Mr. JACOBSTEIN. That is exactly what I mean to say. The Congress delegated to the Secretary of the Interior the right to apportion, and the apportionment was made and accepted by the Congress and its constitutionality was never questioned.

Mr. RANKIN. It took the gentleman from New York a long time to find that out, because the gentleman has been on the committee two years and has been engaged in the hearings and this is the first time the gentleman has ever mentioned it.

Mr. JACOBSTEIN. I have stated the facts.

Mr. MICHENER. I might state that that fact is included in the committee report.

Mr. RANKIN. It is not in the committee hearing.

Mr. MICHENER. It is in the report.

Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. WILLIAMS]. [Applause.]

Mr. WILLIAMS of Illinois. Mr. Speaker and gentlemen of the House, personally I am opposed to this legislation, and if I am able to get a little time under the general debate on the bill I will try to explain the reasons for my opposition to the legislation. The matter we have before us at this time, however, is the rule reported out by the Rules Committee making in order the consideration of the bill reported by the Committee on the Census.

I think it is the duty of the House to give consideration to this bill and to the report of the Committee on the Census. As has been said, the Committee on the Census is one of the great committees of the House. In this matter it is dealing with a great constitutional question. It has given a great deal of attention to this subject, a great deal of thought and investigation, and has presented here a measure representing the best thought and the best effort of this great committee.

This is a matter of such supreme importance to the whole country and to the Congress that it seems to me there should be no opposition on the part of anyone, whether they favor the legislation or oppose it, to giving it an opportunity to be heard and determined on the floor of the House.

I am opposed to the legislation for the reasons so well stated by the gentleman from Iowa [Mr. RAMSEYER] and the gentleman from Alabama [Mr. BANKHEAD]. It seems to me that at most this is but an idle legislative gesture. If Congress feels it should take action at this time and that we should have an apportionment, which we should have had seven years ago, the courageous and the right thing to do would be to consider an apportionment bill, but this is not an apportionment bill.

This is simply anticipatory legislation seeking to bind the Congress that is to succeed us, that has jurisdiction over the matter and will have the right to determine the policy of the House at that time.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. WILLIAMS of Illinois. Yes.

Mr. JOHNSON of Texas. Would not this bill have this merit: That if the Congress did not see fit to do its duty at the next session, after the census was taken this would be a kind of penalty hanging over it to make it take action?

Mr. WILLIAMS of Illinois. I do not know whether you would call it a virtue or a vice.

Mr. KINCHELOE. In other words, if Congress does not do its duty, we let the Secretary of Commerce do it?

Mr. WILLIAMS of Illinois. Congress surrenders its power given it under the Constitution. If the Congress fails to act at the next session, after the census is taken we have abrogated our power to control the matter.

Mr. JACOBSTEIN. The gentleman does not mean to say that the Secretary of Commerce has any discretion?

Mr. WILLIAMS of Illinois. No; it is merely a ministerial act. He acts in a ministerial capacity. But by this bill this Congress is doing work under the Constitution which is the duty of a subsequent Congress to perform. I am not willing to say here and now that the Congress that will sit here in 1931 will either be lacking in ability or in integrity to do its duty under the Constitution of the United States. [Applause.] However, I think we should all vote for the rule, give the matter full and fair discussion, and then vote down the bill. [Applause.]

Mr. MICHENER. Mr. Speaker, I yield five minutes to the gentleman from Indiana [Mr. GREENWOOD].

Mr. GREENWOOD. Mr. Speaker, it has been said that this legislation is anticipatory, that this Congress is attempting to bind a future Congress, and upon which a future Congress may act. I am against the rule because I think the Congress should act after the census has been taken. Because the Sixty-sixth Congress failed to do its duty is no reason why we at this period should anticipate the action of a future Congress. Regardless of what the population will be in 1930, we are arbitrarily fixing the number of Members of the House of Representatives at 435 and placing it in legislation. If a future Congress thinks the House should be composed of 460 Members and the President should disagree and veto such legislation, we would be required to pass such a bill by a two-thirds majority, to override a presidential veto, or accept this bill as the basis of the size of the House.

Something has been said about delegating authority to the Secretary of Commerce. There is a delegation of legislative power to the President that goes to the sanctity of the House itself. Therefore I do not believe that we should engineer the House into that position, but should leave it to Congress to act after the constitutional provisions for the census have been taken, when they can act with intelligence at that time.

It is true that there are certain States that will lose representation; that perhaps will be true under any apportionment or adjustment, but it ought not to be left to the Secretary of Commerce, it ought not to be left to the power of the President to veto the bill that may fix the new apportionment and require us to override a veto, but should be left to that Congress to deal with when the time arrives based upon the future census.

So I for one will vote against the rule and vote against the bill, and will not vote for any reapportionment that does not state in the body of the bill how many Representatives the State of Indiana is entitled to have and the number every other State will have. I think that fulfills my constitutional duty and thereby not leaving it to the Secretary of Commerce or any other power to decide. [Applause.]

Mr. MICHENER. Mr. Chairman, the gentleman hit the nail when he said that this provides a formula. It merely provides the procedure whereby we guarantee fulfillment of the constitutional provision in reference to reapportionment in case, perchance, another Congress should be as derelict of duty regarding reapportionment as the present Congress has been.

No future Congress will be bound in any way unless that Congress desires to be so bound. We are simply providing that the Congress in the future after the next census shall be taken shall be composed of 435 Members. We are laying down a formula or plan, so to speak, to be worked by the Secretary of Commerce. We are not delegating any discussion. If the Congress to which this gentleman refers does not agree with what we have done, that Congress may change; but in case it fails to act, then as long as this statute stands upon the books we are assuring a representative Government to the people. [Applause.]

We are drifting along and getting back into the old English borough system. There is no man here who will deny that it was the intention of the framers of the Constitution that the census should be taken every 10 years, and that immediately after the taking of that census that there should be a reappor-

tionment in order that we might have representative Government. I ask the gentleman from Missouri [Mr. LOZIER] now whether he would vote for a 435 membership under the 1920 census?

Mr. LOZIER. Will the gentleman yield to me for a question?

Mr. MICHENER. No; of course, the gentleman would not so vote, but these gentlemen here representing States where they lose Representatives are objecting, and why? They are objecting because they fear that their State will lose. I sympathize with them, but still to me the question of whether or not we shall abide by the Constitution is a greater question than whether or not perchance a particular individual shall lose his seat in Congress. I admire the statement made by the gentleman from Iowa [Mr. RAMSEYER], who said that he appreciated the constitutional direction, and that even though it might cost him his seat in Congress he felt constrained to vote for that which he believed to be his constitutional duty. To me it is just a question of whether or not we want to comply with the terms of the Constitution.

Mr. COLE of Iowa. In other words, the gentleman proposes to enact a law by this vicious Congress to make the next Congress more virtuous than this one? [Laughter.]

Mr. MICHENER. No; I do not want to cast any aspersions on this Congress, but I do say that this Congress has shown a dreadful lack of courage.

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

Mr. MICHENER. Yes.

Mr. LOZIER. In 1921 when the bill was being considered in this House providing for a representation of 460 Members in the House of Representatives the gentleman from Michigan voted to recommit that bill to the committee without instruction, thereby defeating the legislation in that Congress.

Mr. MICHENER. Yes. I voted to recommit.

Mr. LOZIER. Does the gentleman think that he was derelict in his duty in voting to recommit that bill in 1921 which deprived his own State of three or four additional Representatives in Congress?

Mr. MICHENER. The gentleman from Michigan felt that 435 was a large enough number, and the gentleman from Michigan did not want to increase the number. There was no reason on earth why 460 should be adopted arbitrarily unless it was to take care of some States like the gentleman's State.

Mr. LOZIER. Does the gentleman think he was derelict in his duty and that he violated his oath to the Constitution when he voted to recommit this bill in 1921, thereby destroying the possibility of any reapportionment at that time?

Mr. MICHENER. The gentleman certainly has no such notion, but the gentleman from Missouri would not vote for any bill anywhere, anyhow, which deprived his State of its present representation. I decline to yield further.

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

Mr. MICHENER. Yes.

Mr. JACOBSTEIN. The very question raised by the gentleman from Missouri [Mr. LOZIER] calls attention to the dangerous situation unless we pass this bill. Gentlemen who want reapportionment are lined up with those who do not want reapportionment, to defeat a reapportionment bill. You get a combination of men who really desire reapportionment and who do not want the House to be greater than 435 Members lined up with those who do not want reapportionment, a situation which we have had for 10 years, so that while the gentleman performed his duty in 1921, yet in doing it he actually joined forces with those who did not want any reapportionment.

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

Mr. MICHENER. Yes.

Mr. BANKHEAD. I think it might be fairly stated that the crux of the gentleman's argument is that we should insist on the limitation of 435 Members of Congress. Does not the gentleman think that the Congress succeeding this one has the absolute right to an untrammeled expression of its own views on that question?

Mr. MICHENER. Yes; and it will have. There is no question about that. If this bill is taken up for consideration under this rule, it will be subject to amendment, and if there are sufficient Members who want to amend the bill and increase the number, that will be their privilege.

Mr. BANKHEAD. In other words, we are doing a thing now with our eyes open, which we recognize is within the power of the succeeding Congress to change.

Mr. MICHENER. We are doing that now which the gentleman from Alabama has objected to doing since 1920.

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

Mr. MICHENER. Yes.

Mr. WILLIAMS of Illinois. I do not see any difference, so far as the Constitution is concerned, between the position of the gentleman from Michigan [Mr. MICHENER] and the gentleman from Missouri [Mr. LOZIER]. The gentleman from Michigan refuses to vote for a bill that provides more than 435 Members in the House, and the gentleman from Missouri will not vote for a bill that does not have more than that number. So far as the Constitution is concerned, one is just as guilty as the other. [Laughter.]

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

Mr. MICHENER. Yes.

Mr. BARBOUR. Mr. Speaker, like the gentleman from Michigan [Mr. MICHENER] I was one of those who voted to recommit the bill which provided for a membership of 460 Members in this House, and every man who voted that way did so because he felt that 435 was a large enough membership.

Mr. DOWELL. And the gentleman is willing to kill the bill for that reason?

Mr. BARBOUR. I have not yielded to the gentleman from Iowa. If the gentleman from Missouri and his colleagues on the Census Committee had done their duty and not blocked action by that committee the committee would have reported out a bill providing for 435 Members, as the House indicated by its vote it should do. The committee has been delinquent in its duty in not reporting out such a bill.

Mr. LOZIER. Why, I was not even a Member of Congress at that time. [Laughter.]

Mr. MICHENER. Mr. Chairman, I move the previous question on the resolution.

The previous question was ordered.

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

The resolution was agreed to.

Mr. FENN. 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 H. R. 11725. Pending that motion, I ask unanimous consent that the time be controlled equally by the gentleman from Mississippi [Mr. RANKIN] and myself.

The SPEAKER. The gentleman from Connecticut 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 H. R. 11725, and asks unanimous consent that the time be equally controlled on one side by himself and on the other by the gentleman from Mississippi [Mr. RANKIN]. Is there objection to his request?

There was no objection.

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

The motion was agreed to.

Tse SPEAKER. The gentleman from Illinois [Mr. CHINDBLOM] will kindly take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11725, with Mr. CHINDBLOM in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11725, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 11725) for the reapportionment of Representatives in Congress.

Mr. FENN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. FENN. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio [Mr. BURTON].

The CHAIRMAN. The gentleman from Ohio is recognized for 10 minutes.

Mr. BURTON. Mr. Chairman and ladies and gentlemen of the committee, this bill accomplishes two things; one with some degree of permanence, and the other only tentatively. First is the provision that the Secretary of Commerce, after a census is reported, shall prepare a statement under which Members of Congress are apportioned to the respective States. The second fixes the number of Members and is in a measure tentative. Indeed there had to be some number given in order that the Secretary of Commerce might act. That number is 435, the present membership of the House.

I am strongly in favor of this bill, for two reasons. In the first place, we have very naturally subjected ourselves to some reproach because we have not complied with the constitutional provision for a reapportionment under the census of 1920. The point I wish to impress upon you is that the

same situation will probably—I might almost say inevitably—arise under the census of 1930.

I have been here when apportionments were made under the acts of 1890, 1900, and 1910. The sentiment of the House in each of these three cases was decidedly against an increase of membership. In fact, those who advocated or submitted to an increase of membership said, "Never again; that is the last time that there shall be an increase. The House is too large already." But the insistence of Members from States which lost Members in each case prevailed, so that the number was increased from 325 to 356, 385 approximately, and under the census of 1910, to 435.

Now it has been said here that we are saying to the next Congress what it shall do. That is not correct. This is but tentative. If the Congress elected in 1928 has courage and wisdom and can agree upon a bill, then it will take one up and pass it, and this one, giving authority to the Secretary of Commerce to make a statement, will be wiped off the statute books.

It is no reflection on the courage of the Congress elected in 1928 if there is recognition of the fact that the same situation which accrued after the census of 1920 is very likely to occur again in 1930. Indeed, I think the probabilities are very strong that it will occur again in 1930, or after the census of 1930, because of that irrepressible conflict between those who do not wish to increase the size of the House and those who do not wish to allow their respective States to have a decrease in membership.

I might say here by way of explanation that it should not be regarded as such a calamity that a State should lose part of its membership. On page 189 of the Congressional Directory a statement is given showing the representation under each census, beginning in 1790. There is none of the older States but has sometime lost some of its membership, Virginia perhaps most of all, frequently; next, Massachusetts, New York, Pennsylvania, Delaware, Maryland. Every one of those States lost some of its Members.

The question is one which we should look at from the broad standpoint of the general good of the country and the efficiency of this House of Representatives. An argument is occasionally made in regard to the size of the Chamber of Deputies in France and the House of Commons in England. The House of Commons in England has more than 600 members. I wish to call attention to the very great difference. The very great majority of members of both of those bodies never express themselves on the floor. They are not regular in their attendance. There is a certain honor attached to a manufacturer or a business man or a man in some other vocation to be a member of the House of Commons, but he takes no active part in the deliberations. If you will consult Hansard you will find a very small proportion, comparatively, of the members of the House of Commons who ever take part in the proceedings.

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

Mr. BURTON. I would rather not. I prefer not to be diverted from the line of statement I am pursuing. I am frank to say I am very strongly in favor of limiting the size of the House of Representatives to 435. I say here frankly and bluntly that I would rather fail to comply with the constitutional provision than to see the size of this House increased.

There has been a good deal that has happened within the last few days which, I think, shows how disorderly we are liable to become, how the cry of "Vote" may drown out legitimate debate, and the larger we become the less efficiently we will function. I can not describe to you too strongly the difference between the transaction of business in this House when I first became a Member of it, when there were only 325 Members, as now compared with 435. The average ability is no less to-day, but the distinction of membership is less; the opportunity of the individual Member is less and the tendency is toward disorder and inefficiency in the transaction of business, and that is sure to increase. So I say, let us meet the constitutional requirement by providing a way. It is ministerial only. The Secretary of Commerce will not be usurping anything; he is not to take away any right of the Congress.

Ministerial duties are assigned to members of the Cabinet much more far-reaching than this. So I say, gentlemen, we should vote for this bill and pass it. It will provide for the future. We can, in the next Congress—and I speak as though we were all going to be here, and most of us will, I expect—change it and pass any bill we please. We could pass a bill increasing the size of the House, although I should much deplore that; we could make a change in the major fractions, though that was advocated by Thomas Jefferson and has been followed since.

Mr. LOZIER. Does the gentleman say the major-fraction theory was advocated by Jefferson?

Mr. BURTON. I believe so.

Mr. LOZIER. Is it not true that Jefferson advocated the rejection of all fractions?

Mr. BURTON. That statement is made in a book of some authority as being so, and I think it is correct. I just want to read a few words from James Madison in regard to a larger body:

> The people can never err more than in supposing that by multiplying their Representatives beyond a certain limit they strengthen the barrier against the government of a few. Experience will forever admonish them that, on the contrary, after securing a sufficient number for the purposes of safety, of local information, and a diffusive sympathy with the whole society, they will counteract their own views by every addition to their Representatives. The countenance of the Government may become more democratic, but the soul that animates it will be more oligarchic. The machine will be enlarged, but the fewer, and often the more secret, will be the springs by which its motions are directed.

The delusion of believing that an increase in the size of the House makes it more democratic was never more clearly pointed out than by James Buchanan, who was then in his prime, in the debates following the census of 1840. Again in the Federalist, Mr. Madison said:

> Though every member of the Athenian assembly be a Socrates, the aggregate body would be a mob.

Going to show that the more you increase the size of a legislative body, the more the domination of that body falls under the influence of a few, and the more the individual member becomes merged in, shall I call it, that mob, which extinguishes his individuality and gives a bent to the direction of affairs in which the individual has less and less to say. Mr. Charman, I sincerely hope this bill will pass. [Applause.]

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

Mr. RANKIN. Mr. Chairman, I am one of those men who have been charged with responsibility for not reapportioning under the census of 1920. I plead guilty to that charge.

I said on this floor in 1921 that I was opposed to the reapportioning of the House under the census of 1920 for several reasons. In the first place, the census of 1920 was taken, you might say, while America was still in the World War; when our soldiers had not returned to their homes; when thousands and thousands of them were away from home and were not counted where they should have been counted. I was opposed to it also because of the fact that the census was taken at a time when, owing to war activities, the population of a good many States had been drawn away from home and concentrated in the large industrial centers of the country.

I was opposed to it because the Bureau of the Census, for the first time in the history of this country, undertook to take the census in the wintertime, when the roads were muddy, when the weather was bad, and when it was almost impossible to go into the agricultural sections and make a correct tabulation of the population. I was opposed to it because it was taken at the time of the very peak of high prices. It was shown before the committee, in the former hearings on this bill, that they found it impossible to get men at the prices paid to go out and do this work.

As a result they brought in a census which showed an abnormal gain, an unreasonable gain, if you please, in the large congested industrial centers and at the same time an unreasonable falling off in the agricultural sections.

I say this was brought about largely as a result of the World War, and as the result of the World War we smashed almost every precedent of which you can think. We drafted our manhood in the Army; we sent them overseas to fight our battles; we put on wheatless days, meatless meals, and lightless nights; we limited the amount of sugar a man could put in his coffee and changed the time of day, but when it came to holding up reapportionment because of the fact that we did not have a proper census we heard a great protest on the part of those gentlemen representing States which would have gained as the result of that census.

In 1921, when this bill was brought before the House, I announced my attitude clearly. I was not in favor of increasing the membership of the House, and I think the record of the hearings will show I so stated, but in order to get this measure off our hands, I joined a majority of the committee and reported to this House a bill providing for a membership of 460, which would have taken care of all the smaller States, although it would have added a little more to the already inflated number which some States would have received. It would have taken care of all the small States with the exceptions of Maine,

which would have lost one, and Missouri, which would have lost one instead of two.

We debated that bill all day long. That night a motion was made to recommit, and it was recommitted by the votes of the very gentlemen from Michigan and California who now complain that we who tried to do justice to all on that occasion are responsible for the House not being reapportioned.

Now, these are the facts in the case and so far as I am individually concerned, I am willing to assume my part of the responsibility.

Oh, but they say, "You have violated the Constitution." Now, as a matter of fact, reapportionment every 10 years is not mandatory under the Constitution. The gentleman from Massachusetts shakes his head, which convinces me that I am correct, or helps to do so. [Laughter.]

The Constitution does provide that the census shall be taken every 10 years. It also provides that representation shall be based on population. In other words, it does not provide that you shall apportion every 10 years but when you do apportion, instead of using territory or wealth as a basis, you must use population.

You can reapportion Congress every five years. You can take the census every five years and reapportion Congress every five years if you want to and come entirely within the Constitution, but you must take the census every 10 years. You can take it oftener if you so desire.

I was one of the men who wanted to take a census in 1925, when you took the agricultural and manufacturing census, in order that we might straighten this matter out and get a just reapportionment measure that would take care of all the States and do justice to all of them alike.

Mr. BEEDY. Will the gentleman yield?

Mr. RANKIN. Yes.

Mr. BEEDY. The gentleman is a lawyer and he and I have worked together on this problem.

Mr. RANKIN. If the gentleman is going to argue the constitutionality of the measure, I must decline to yield.

Mr. BEEDY. No; I am in agreement with the gentleman.

Mr. RANKIN. Go ahead.

Mr. BEEDY. We worked together on this problem in the Sixty-seventh Congress. The gentleman is entirely right when he says there is no constitutional mandate to apportion. The constitutional mandate applies only to the taking of the census every 10 years. I want to ask the gentleman this question: This bill comes into effect provided the Congress first meeting after the next census fails to do its duty?

Mr. RANKIN. Yes.

Mr. BEEDY. What would the proposed legislation do in the way of invading the rights of the Seventy-fourth Congress? Suppose the Seventy-third Congress or the Seventy-second Congress apportions under the next census, has not the Seventy-fourth Congress the right to change that apportionment if it wants to?

Mr. RANKIN. Certainly.

Mr. BEEDY. And can this Congress pass a law which in any way encroaches upon the authority of the Seventy-fourth or the Seventy-fifth Congress to apportion in any way it wants to?

Mr. RANKIN. No; I think not. I was coming to that point and I am pleased that the gentleman has raised it.

I am opposed to this measure for a great many reasons. In the first place, it is absolutely unnecessary. You are attempting here to bind a future Congress, as the gentleman from Maine [Mr. BEEDY] has suggested, by passing this legislation. You are attempting to make yourselves the guardians of future Congresses.

If we had taken the census in 1925, in my opinion, Missouri would not have lost two Members and California would not have gained the number she is claiming under the census of 1920. I do not believe that Mississippi would have lost a Member. I do not believe Kansas, Iowa, or Nebraska would have lost one, neither would Michigan have gained the number shown under the census of 1920.

Mr. BARBOUR. Will the gentleman yield?

Mr. RANKIN. Yes.

Mr. BARBOUR. Where did the gentleman get those figures?

Mr. RANKIN. I said in my opinion.

Mr. BARBOUR. Oh!

Mr. RANKIN. Has the gentleman an opinion?

Mr. BARBOUR. Occasionally.

Mr. RANKIN. Now, another thing. We do not propose here to apportion Congress under the census of 1920. That is not what you are doing. You constitutionalists, if you are such sticklers for the Constitution, and think we are violating it, you violate it when you postpone this until after the next census.

Mr. MICHENER. Will the gentleman yield?

Mr. RANKIN. Yes.

Mr. MICHENER. We could not get any other bill out of the gentleman's committee. The gentleman would not permit any other kind of measure to come out.

Mr. RANKIN. You might amend this one. You would not have got this one out if I had had my way, because I would have relieved the Congress of the embarrassment of having to answer before the country for this legislative monstrosity. [Laughter and applause.]

Now, you propose here to do what? To fix the size of the House at 435. I rather think the House of Representatives is large enough, but suppose in 1930 in working this proposition out Congress should find that by adding four or five Members or taking away four or five you can do justice to all the States? Will they say, "No; we are bound by this all-wise, all-powerful Congress that was in control a few years ago—they had a corner on the legislative wisdom, those patriotic fathers of the Constitution—they said it was to be 435, and we can not change it"?

You are fixing the House at 435, denying the next Congress, if your law amounts to anything, if it is binding, you would be denying future Congresses the right to reduce or raise the membership of the House.

This bill proposes a formula that they call major fractions. I want any gentleman from Iowa, from California, or from Michigan to tell me the difference between major fractions and equal proportions, and if he will get that in the RECORD he will have a sweet time after the public reads it when he goes back to his district. [Laughter.] And yet you are engrafting into this law a provision that the next House shall be apportioned on the formula of major fractions.

Mr. FENN. Under what method does the gentleman hold his seat—is it not major fractions?

Mr. RANKIN. I hold my seat as the result of a bill approved by a congressional committee passed through the House fixing the number of Representatives of each State.

Mr. FENN. The number was arrived at by major fractions.

Mr. JACOBSTEIN. Will the gentleman yield?

Mr. RANKIN. Yes.

Mr. JACOBSTEIN. Did the gentleman vote for the reapportionment bill in 1921?

Mr. RANKIN. Was the gentleman here then?

Mr. JACOBSTEIN. No.

Mr. RANKIN. The gentleman from Mississippi was here in 1921.

Mr. JACOBSTEIN. Did the gentleman vote for the bill?

Mr. RANKIN. I do not know whether I voted to bring it out of the committee; I voted against recommitting it.

Mr. JACOBSTEIN. That was under major fractions?

Mr. RANKIN. I want to show you what you are voting for; a formula that by the best mathematicians is robbing your State or may rob it of a part of its representation.

Let me read a few paragraphs. I am not questioning the mathematicians; I presume they know what they are talking about. Nobody on the committee knew whether they were right or not, and so they are safe from criticism.

Based upon an "imaginary" population of the 1920 census Arkansas would receive 7 under equal proportions and only 6 under major fractions. Colorado would receive 4 under the method of equal proportions and 3 under major fractions. Connecticut, the home of the distinguished chairman of the committee, would receive 6 under equal proportions and 5 under major fractions. Now, that is according to one of the best professors—Edward Huntington, professor of mathematics at Harvard University.

Mr. FENN. I will agree to that if the gentleman will vote for the bill.

Mr. RANKIN. No; I do not want to see the gentleman rotated out of office. I want to see him here as long as Connecticut remains Republican.

Now, Florida under the equal proportions would receive 4, and under the major fractions 3. Idaho under equal proportions, according to this distinguished professor, would receive 2, whereas under major fractions she would receive only 1. Kansas would have 7 under the method of equal proportions, and 6 under major fractions. Maine, the State of the distinguished gentleman who interrupted me a while ago, would receive 3 under equal proportions and only 2 under major fractions. But you are asked to fasten major fractions onto the country.

Next we have Maryland. Maryland would receive 6 under the method of equal proportions and only 5 under major fractions. Mississippi would receive 7 under equal proportions and only 6 under major fractions; Montana would receive 2 under the method of equal proportions and only 1 under major frac-

tions. Nebraska would receive 5 under the method of equal proportions and only 4 under major fractions. New Hampshire would receive 2 under equal proportions and only 1 under major fractions.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

Mr. RANKIN. For a question.

Mr. JOHNSON of Washington. In the cases where States gain under the method of equal proportions, who loses? Where is the loss?

Mr. RANKIN. I do not know whether you would call it losing membership when they have not yet gained any, but otherwise under the other system, they would evidently go to other States.

Mr. JOHNSON of Washington. They would gain under one form and lose under another?

Mr. RANKIN. Yes. New Mexico would receive 2 Members under equal proportions and 1 under major fractions. North Dakota would receive 3 under equal proportions and 2 under major fractions. Oregon would receive 3 under equal proportions and 2 under major fractions. South Carolina would receive 7 under equal proportions and 6 under major fractions. South Dakota would receive 3 under equal proportions and 2 under major fractions. Utah would receive 2 under equal proportions and 1 under major fractions. Vermont would receive 2 under equal proportions and 1 under major fractions. Washington—where is the gentleman from Washington? May I have his attention? According to this table, under equal proportions the State of Washington would have 6 Members and under major fractions only 5. West Virginia would have 6 under equal proportions and 5 under major fractions.

Mr. JOHNSON of Washington. And would it not be just as hard to explain if we take this method of equal proportions, which is all visionary, as to explain anything else?

Mr. RANKIN. My idea is to leave this reapportionment off until after the census of 1930 is taken, because you are basing it on the census of 1930; and then when you take your census make your reapportionment on the basis of that census. We will have a bill coming up here on next Monday, I presume, by which we provide that the census must be taken as of the 1st of May, 1930. We are going to see that the people in the rural districts are counted and that a complete census is taken, if possible; and then I am in favor of reapportioning upon the basis of that census.

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

Mr. RANKIN. Yes.

Mr. BEEDY. Here is a question that has been troubling me, and I would like to have the gentleman answer it if he will: The Constitution states that the actual enumeration shall be made within three years after the first meeting of the Congress, and then within every subsequent term of 10 years.

Mr. RANKIN. Yes.

Mr. BEEDY. The Constitution, therefore, fixes the 10-year period. What about the authority of any Congress to deal with the question of apportionment on the basis of a census that is not to be taken within the 10 years of the life of that particular Congress, but which is to be taken within the next 10-year period prescribed by the Constitution, a 10-year period within which another Congress comes into being?

Mr. RANKIN. The gentleman's question answers every argument of those who claim that it is mandatory to reapportion after taking the census, because if it is mandatory to reapportion after taking every census it is mandatory to make your reapportionment within the 10-year period, and, therefore, you are not coming within the very provision of the Constitution that you allege applies in this instance.

Mr. WHITE of Maine. In other words, the authority of Congress to act is with respect to a census previously taken and not with respect to censuses to be taken in the future.

Mr. RANKIN. Absolutely.

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

Mr. RANKIN. I have only a few minutes more.

Mr. THATCHER. Is it not a very serious question whether a Congress in this decade has any constitutional rights to legislate at all as to the next decade?

Mr. RANKIN. I think it is.

Here is the worst provision in this bill. The gentleman from New York alleges that in 1850 this identical thing was done. The record shows that a law was passed under which a Secretary of the Interior made the apportionment, but it does not show that that same department took the census.

The census at that time was taken by the various United States marshals. What are you doing here? You are delegating to a department the right to reapportion Congress on the basis of a census taken by itself. You are surrendering the prerogative, not only to apportion your own Congress and attempting to bind a future Congress, but you are also delegating the power of reapportioning Congress to the very department that takes the census.

Now, suppose we do as we did in 1920. There is nothing in this bill to provide that the census is to be approved by Congress. I have had enough experience with bureaus under this Government to warrant me in saying that bureaucracy is the bane of American institutions. How are you going to explain to the intelligent people of the country, why you delegated the power of reapportioning Congress to the very bureau charged with taking the census and which, I contend, failed in that respect in 1920?

Mr. JOHNSON of Washington. Did they not fail in 1920 because of the lack of sufficient money to properly take the census?

Mr. RANKIN. Not altogether. They failed for the very reasons I have mentioned.

It may be that in some sections it will cost more than it will cost in other sections. Some of these bureaucrats are demanding that we separate these censuses and take one in the fall and one in the spring, and thus add several millions of dollars more to the Budget. They took it in 1920 at a time when we were disturbed with the World War, when the people were concentrated in the large congested centers. They took it at a time of the year when it was absolutely impossible to go out and take the census of the country people.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield for one more question?

Mr. RANKIN. Yes.

Mr. JOHNSON of Washington. It is not proposed that the bureaucrats take the census at two periods. One is one for the agricultural people and the other of the population at other places.

Mr. RANKIN. The gentleman gets away from the issue. We provide now that this census shall be taken in 1930 as of the 1st of May. Let us not deceive ourselves by passing this unnecessary legislation to bind a future Congress, but let us wait until 1930 and see that the census is taken, and see that the men charged with that duty perform it, and see to it that they have sufficient money to insure that it is properly performed, and then come back here and reapportion Congress on the basis of the census taken in 1930 in order that we may do justice to all and not injustice to either the small or larger States. [Applause.]

Mr. FENN. Mr. Chairman, I yield 15 minutes to the gentleman from Michigan [Mr. McLEOD].

The CHAIRMAN. The gentleman from Michigan is recognized for 15 minutes.

Mr. McLEOD. Mr. Chairman and Members of the House, in bringing up this bill to reapportion the House on the basis of the census to be taken in 1930, we can not avoid being reminded that for eight years Congress has permitted a condition to continue which has never before existed in the 133 years of our constitutional history. There are many duties imposed upon us by the high office in which we have been placed by trusting constituents. Many of which are significant and urgent. There are other duties which do not have the appearance of urgency, but which transcend all others, because they pertain to that fundamental principle upon which this Government has been founded; namely, the Constitution.

Now, I do not desire to attempt to elaborate on the Constitution, or to condemn individuals who, in my opinion, have gone beyond the scope of their rightful duty in Congress on the committee that I am a member of. But I beseech you, gentlemen, to reflect for a moment upon the sacred trust that we have in our hands to-day.

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

Mr. McLEOD. I yield.

Mr. GREEN. In the calculation as to the number of Representatives that we have from the various States, what will be the number to be represented by a Congressman with 435 Members as the basis? Will it be 250,000 or 260,000, or how many?

Mr. McLEOD. You mean in 1930?

Mr. GREEN. Yes.

Mr. McLEOD. No one knows definitely.

Mr. GREEN. Has the gentleman gotten information enough in the hearings to approximate the number?

Mr. McLEOD. No. We were just approximating.

Mr. GREEN. It is now, as I understand, about 207,000 or 208,000.

Mr. McLEOD. Mr. Chairman, I submit Article I, section 2, of the Constitution. It is my contention, gentlemen, that it is absolutely mandatory upon us to uphold our oath of office, which is to uphold the Constitution, to act according to this first article in the second section. It reads:

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. * * * The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of 10 years, in such manner as they shall by law direct.

I can not follow the mental gymnastics of those who say that this language does not mean that Congress must apportion its seats every 10 years. Such interpretation does not appear to me to be reasonable, and I am convinced that on this proposition I stand with the great majority of legal authorities, as well as with the great body of American people. [Applause.]

But regardless of the technical legal power conferred upon the Congress, it has the ability, by merely failing to act, to let apportionment go by the board, and there is no power to enforce the higher authority of the Constitution. I say there is no power; that is, there is no statutory penalty for not obeying. But there is a moral obligation backed by the weight of public opinion.

This bill before us to-day removes the possibility of violating the Constitution by mere nonfeasance of Congress. It provides for an automatic performance of the purely administrative features of reapportionment, reserving to Congress in each instance after a census a prior opportunity to apportion its Members by positive action if it so desires. The Constitution, so long as it truly embodies the will of the sovereign people, must be enforced. This bill will make it very difficult in the future to permit the growth of such insidious disfranchisement as has been in operation against several of the great States of the Union during the past eight years. I am strongly in favor—and I am sure a great majority of my colleagues will admit the wisdom—of a measure which accomplishes that result. It is the only way to safeguard the future against usurpation of the Government, consciously or unconsciously, by unyielding minorities.

Congress does not have the right to say what is best for the country in violation of the Constitution. One hundred and fifty years ago George III of England disregarded the rights of his subjects as manifested in their constitution. The result was a war of independence and the birth of a new nation. The grievance which stands out in our minds as the battle cry of that struggle is, "No taxation without representation." The spirit of that slogan won the war, and impelled the founders of our Government to reduce to writing those principles of government which would forever prevent the usurpation of sufficient power by any man or group of men to tax citizens and at the same time deprive them of just and equal representation. And yet has not the failure of Congress to apportion the Representatives for a period of 18 years produced just that situation? The State of Michigan, which ranks fourth in total amount of income tax paid to the Federal Government, is forced to get along with the same number of Congressmen she had 18 years ago. The fact that Michigan, along with several other States, has had phenomenal growth in population and wealth during the last 18 years, while some States have not, has had no recognition at the hands of Congress.

Our forefathers, in their far-seeing wisdom, provided for the unequalities of growth which they knew must necessarily take place in this country. They were well aware that the process of usurpation is gradual and sometimes so imperceptible as not to be recognized for what it is. They could not conceive of a truly representative body in our Government, such as our House of Representatives, succumbing to this pernicious evil. Their problem, then, was to keep it representative. Article I, section 2, of the Constitution was devised for that purpose, and given the leading position in the document, indicative of its preeminent importance. For unless the truly representative character of this legislative body is preserved, we will no longer have a representative form of government.

The authors of the Constitution had just previously to framing that document participated in the Declaration of Independence, and in order to refresh ourselves as to just the nature of the trust we bear let us refer also to the principles of government expressed in the latter declaration:

> We hold these truths to be self-evident; that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and pursuit of happiness. That to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed. That whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it, and institute new governments, laying its foundation on such principles and organizing its powers in such form as to them shall seem more likely to effect their safety and happiness.

In order that the wisdom of our forefathers may be vindicated and the trust which they imposed in this honorable body be not destroyed, I call upon the Members of this House to pass this bill now, which, if not abiding closely to the Constitution, has the saving grace of doing so at the earliest practicable time. [Applause.]

The highest test which self-governed peoples have to meet is the unwavering administration of just laws, regardless of circumstances. This test can only be met so long as principles command respect and expediency is decried among those in high places.

Having done away with kings and potentates, as being untrustworthy guardians of the rights and liberties of mankind, our forefathers set up a constitutional form of government which has served ever since as a model of government for struggling freemen. We have proved highly capable up to this point of governing ourselves under this Constitution, and have continuously urged other peoples who have had the opportunity to subscribe to the correctness of our form of government by following our example. Many have done so, and now it again falls to our lot to set an example. Where new conditions make the adherence to old principles unpleasant, we must set an example of moral courage. The crucial period of our national history is before us, when wealth and luxury are ours to master. We must not forget that our Government is an experiment in self-control on a large scale, and that obligation is directly upon Congress to keep us from deviating from the true course of good government. We must not lay ourselves open to the charge of rotten borough politics.

I quote the following definition of an oath from Webster's Dictionary:

> An oath is a solemn attestation in support of a declaration or a promise, by an appeal to God or to some person or thing regarded as high and holy.

Mr. Speaker, it is just a few months ago that we stood before this rostrum and with our right hands uplifted invoked the Divine Witness to our oath of allegiance to the Constitution of the United States. No man in this Chamber can honestly vote "no" on this measure and at the same time uphold the sacred trust imposed upon him.

I therefore plead that you will let your conscience be your guide. [Applause.]

Those of us who long for justice should let the Government of the day respond to the Constitution. It is hard for him who strives to please to be successful in a desire to be honest. Especially is this true when the attempt is to please both you and me. There is no desire so beclouding to unbiased perception as the selfish desire. The commandments of principle are universal and impartial. They steady us in the moment of passion, they lengthen our view in the instant of urgent desire, and broaden our vision when the consideration of self seems paramount. These commandments admit of no exceptions, no realm of human action is exempt from their united judgment. Let us meet this issue squarely and pass this bill to-day. [Applause.]

The gentleman from Mississippi [Mr. RANKIN] in his remarks mentioned the conditions relating to the taking of the 1920 census. He stated that the census was taken when the weather was bad, at the peak of high prices, and that many of the service men had not reached their homes.

The figures that were presented to the Census Committee, not only at the present session, but at the last session, indicated that the growth was along the same ratio as in 1920; that California, Michigan, and Ohio would maintain their same increase and that there was no falling off in those States, but that the continuous falling off in Missouri and Mississippi was practically the same. That is a part of the committee hearing.

Now, gentlemen, if there is anything of importance or significance in the oath we take in this very rostrum every two years, and if it is in any way sacred, I just want to ask this question: Is it just to deprive us not only of our seats in this House, but also of our votes for President and Vice President in the Electoral College? You gentlemen all understand that situation, yet my State is short two votes and certain other States have our votes.

If there is any good reason for not passing this legislation at this time it might be suggested by the gentleman from Mississippi [Mr. RANKIN], but so far he has not shown any sound reason.

At this time I want to call attention to a matter which has already been brought out, and that is as to the delegation of power.

Mr. KETCHAM. Will the gentleman yield?

Mr. McLEOD. Yes.

Mr. KETCHAM. Before the gentleman concludes his remarks will he give just a moment's time to a discussion of the reason for incorporating in the legislation the delegation of power to the next Congress? Is it because of the fact that he believes the situation which embarrasses this Congress in acting would only be accentuated by the conditions that will be found after the next census—that is to say, there will be a greater divergence of opinion as to the way the apportionment ought to be made? More States will be out of line. More States lose and other States gain, so that there will be greater difficulty in coming to any agreement and passing any apportionment bill following the census of 1930. Is that the basis upon which that is put in the legislation?

Mr. McLEOD. Yes.

Mr. KETCHAM. I wish the gentleman would give some emphasis to that before he concludes his remarks, because it seems to me that is a very important reason for bringing in the bill at this time.

Mr. McLEOD. I might say this: The situation has been the same for the last three Congresses of which I have been a Member, that it is impossible to get any consideration of any bill in the Census Committee. There are certain men on that committee who will not vote out any bill, and it is my contention they will not vote out a bill under the 1930 census, and therefore this bill is the protecting clincher of the whole proposition. The whole question rests on the situation the gentleman has just mentioned.

Mr. KETCHAM. Then I am to understand that in the judgment of the gentleman, who has been a member of the Census Committee ever since he came to Congress, the situation in 1930, following that census, will likely be a worse situation than that which we now face and the chances of getting an agreement will be more remote than they are now, hence this particular provision in the bill—that is correct?

Mr. McLEOD. That is right.

Mr. CELLER. Will the gentleman yield?

Mr. McLEOD. I have just a few minutes remaining, and I want to refer to a decision of the Supreme Court. I hold in my hand a brief on the part of the United States in the case of J. W. Hampton, jr., & Co., petitioner, against the United States, on writ of certiorari. This case presents the question whether the flexible tariff provisions of the tariff act of 1922, giving to the President power to increase or decrease tariffs, within limits fixed by the statute, to equalize differences in costs of production at home and abroad, found by them to exist after inquiry and report by the Tariff Commission, are unconstitutional, as a delegation of legislative power. That was the question in the case. The opinion of the Supreme Court is as follows:

> The field of Congress involves all and many varieties of legislative action, and Congress has found it frequently necessary to use officers of the executive branch within defined limits, to secure the exact effect intended by its acts of legislation, by vesting discretion in such officers to make public regulations interpreting a statute and directing the details of its execution, even to the extent of providing for penalizing a breach of such regulations. (United States *v.* Grimaud, 220 U. S. 506, 518; Union Bridge Co. *v.* United States, 204 U. S. 364.)

And so on.

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

Mr. FENN. Mr. Chairman, I yield to the gentleman one additional minute.

Mr. McLEOD. Further in the opinion the court said:

> The true distinction, therefore, is between the delegation of power to make the law, which necessarily involves a discretion as to what it shall be, and conferring an authority or discretion as to its execution, to be exercised under and in pursuance of law. The first can not be done; to the latter no valid objection can be made.

Mr. Chairman, I yield back the remainder of my time. [Applause.]

Mr. RANKIN. Mr. Chairman, I yield 20 minutes to the gentleman from Missouri [Mr. LOZIER]. [Applause.]

Mr. LOZIER. Mr. Chairman——

Mr. GREEN. Will the gentleman yield before he gets started for me to ask a question for the gentleman to bring out?

Mr. LOZIER. I would rather not yield until I have completed my statement.

Mr. Chairman and members of the committee, in the brief time at my command I want as best I can to discuss this question dispassionately. I am not going to charge any of my colleagues who differ with or from me on this bill with violating the Constitution or with disregarding their oaths or with having been remiss in the performance of their duties. I have too high a regard for the gentleman from California [Mr. BARBOUR] and the gentleman from Michigan [Mr. MICHENER] and other Members of this House who killed the reapportionment bill in 1921 to charge them with having been remiss in their duties or with having deliberately disregarded their oaths or with having wantonly violated the Constitution.

In the course of the debate this afternoon, while my colleague from Michigan [Mr. MICHENER] was speaking and criticizing those of us who are opposed to this bill, I called his attention to the fact that on October 14, 1921, he and a number of his colleagues from Michigan, California, and other States prevented the passage of the then pending reapportionment bill by voting to recommit the bill to the Committee on the Census without any instructions to forthwith report the bill back to the House, but my reference carried with it no implication that he and his associates who thus voted were untrue to their oaths or that they had thereby violated the Constitution or been remiss in the discharge of their duties. I assumed that the gentlemen who strangled the 1921 reapportionment bill voted honestly and conscientiously in killing that measure.

However, although they were doubtlessly actuated by proper motives, they can not escape responsibility for killing the bill. They had a right to vote as they saw proper, but, having by their votes prevented their respective States from getting increased representation for seven years, it is manifestly unfair for them to seek now to place the responsibility elsewhere than on their own shoulders. A majority of the Representatives from Michigan and a number of their California colleagues have been splitting the air with complaints and loud lamentations for the last seven years, criticizing Congress for having failed to pass a reapportionment bill.

Some of these gentlemen are responsible for the defeat of the reapportionment bill in 1921. They were so wedded to the doctrine of limiting the membership of the House to 435 that they sacrificed the opportunity of getting a large increase in their quota of Representatives. Rather than add 25 to the total membership of the House, these critical gentlemen in 1921 voted to kill a reapportionment bill that would have given California 4 and Michigan 3 additional Representatives and increased the number of Representatives from 14 other States. I refer these carping critics to the language of Lord Beaconsfield, who said, "It is much easier to be critical than to be correct," and to a much greater authority, who said, "First cast out the beam out of thine own eye; and then shalt thou see clearly to cast out the mote that is in thy brother's eye."

When it comes to complaints and lamentations the Prophet Jeremiah had nothing on the Michigan delegation and a few of the crêpe hangers from California. Having deliberately, with their eyes wide open, defeated reapportionment in 1921, their outpourings of indignation and wrath have resounded through the Halls of Congress continuously since in a vain effort to place responsibility for the defeat or delay of reapportionment on some one else instead of on themselves where it belongs. They were so anxious to limit the House to a membership of 435 that they deliberately defeated what would have given their States increased representation in the House and in the Electoral College.

"Who killed Cock Robin" when the last reapportionment bill was being considered in the House? I answer and speak from the RECORD when I say that a block of California and Michigan Representatives, aided by a number of their colleagues from other States, defeated a reapportionment bill which would have given their States a substantial increase in the number of Representatives and in their vote in the Electoral College.

They can not escape this responsibility which they deliberately assumed when they voted to recommit the 1921 apportionment bill.

In 1921 these gentlemen were at the "legislative crossroads." They were called upon to vote for or against a motion to recommit the then pending reapportionment bill. They must have known that a vote to recommit the bill was a vote to assassinate it. These gentlemen, having made their bed, must lie in it. Rather than abandon their worship of this 435 fetish, they chose to deny California, Michigan, and other rapidly growing States increased representation in the House and in the Electoral College to which they were entitled under the 1920 census. They insisted on having no reapportionment rather than any reapportionment which provided for a membership of the House of over 435. Apparently they considered the number 435 sacred and tenaciously held to this arbitrary formula, though by so doing they defeated reapportionment and deprived their States of a large number of Representatives to which they were entitled under the 1920 census.

These cynical gentlemen were so devoted to this fetish that they determined to allow no law to be enacted which would

increase the House membership. Then let them not say that their colleagues have been remiss in the performance of their duty or that they have failed to observe the provisions of the Constitution. [Applause.]

I do not criticize these gentlemen for strangling the 1921 reapportionment bill if they did what they thought was right, and I am assuming that they were actuated by proper motives. If they believed that the interest of the Nation required that the membership of the House be limited to 435, and if they believed that in the interest of orderly government such membership should not be increased, then it was their privilege to so vote; but after having in cold blood murdered the 1921 reapportionment act and, by parliamentary maneuvers, defeated reapportionment, it does not lie in their mouths to challenge the good faith of those who then believed and now believe that the membership of the House should be increased in order to meet the new needs and conditions of the American people.

Mr. JACOBSTEIN. Will the gentleman yield for a question?

Mr. LOZIER. I regret that I can not yield to my distinguished friend from New York until I have completed my statement, or at least developed some matters to which I want to call the attention of the House. I have before me the RECORD of October 14, 1921. I called your attention to those who are responsible for depriving California, Michigan, and 14 other States of 27 additional Representatives and 27 additional votes in the Electoral College, which they would have enjoyed had not the proponents of the pending bill and their associates defeated the 1921 reapportionment bill, which legislation was strangled prior to the time I entered Congress. I want the people of Michigan and California and these other States to know that they would have had increased representation since 1921 if a number of the Representatives from Michigan and California had not voted to recommit the 1921 reapportionment bill, thereby defeating the reapportionment in the Sixty-seventh Congress.

Mr. MAPES. Will the gentleman yield?

Mr. LOZIER. When I have finished my statement. On October 14, 1921, a reapportionment bill was pending in this House under which a number of States, including California, would have secured increased representation in the House and Electoral College. A motion was made to recommit the bill, and several of the California Representatives and nearly all of the Representatives from Michigan voted "aye" on that motion, which motion prevailed, and the reapportionment bill was thereby chloroformed. It is idle for these gentlemen to say that they expected the census committee to amend the bill and report it out again, because the motion did not carry with it any order that the committee rereport the bill, but the motion was to recommit the bill without any instructions whatsoever.

Mr. LEA. Will the gentleman yield?

Mr. LOZIER. I will yield to my friend from California presently. Let us see how the Representatives from Michigan and California voted on the motion to recommit the 1921 reapportionment bill. Let us look at the vote as recorded in the CONGRESSIONAL RECORD. I will now call the roll. Representative LEA did not vote; he had a general pair with Mr. MADDEN. Representative CURRY voted against recommitting. You do not fool that wise and experienced legislator. He knew the meaning of that motion to recommit; he knew that if the motion carried it would kill the reapportionment; he knew that if the motion to recommit carried it would defeat reapportionment and deprive his State and other States of an increased representation in Congress and in the Electoral College; he knew how to vote in order to promote the interests of the people in California, and he voted against recommitting the bill. If his California colleagues had followed his leadership and voted as he voted, California would have had four additional Representatives in Congress and four additional electoral votes since 1921.

Mr. Kahn did not vote. He had a general pair with Mr. Humphreys. In fairness to Mr. Kahn I will say that I understand he was ill at the time, and while I never had the pleasure of knowing him intimately I have no doubt that if he had been present he would have voted against recommitting the bill. In any event he would have voted his convictions.

Mr. Nolan did not vote. He had a general pair with Mr. Johnson of Kentucky.

Mr. Elston did not vote.

Representative BARBOUR voted to recommit the bill, which was, in effect, a vote to kill reapportionment. In view of his vote, how can he consistently challenge the good faith of his colleagues who are opposing the pending measure?

Representative FREE voted against recommitting; he knew what was for the best interests of the people of California and the Nation.

Mr. Lineberger voted against recommitting the bill.

Mr. Osborne voted against recommitting the bill.

Mr. SWING voted to recommit.

Mr. Raker voted to recommit.

The RECORD shows that when the roll call was finished three Members from California voted to recommit the bill, four voted against recommitting, and four did not vote at all. In other words, seven California Representatives voted to recommit the bill or refrained from voting when if they had voted against recommitting the bill California could have had all these years the increased representation to which she was entitled under the 1920 census. Even if three of the California Members who voted against recommitting it, California would have had four additional Representatives and four additional votes in the Electoral College since 1921.

Mr. LEA. Will the gentleman yield?

Mr. LOZIER. When I have finished my statement and after I have paid my compliments to the Michigan delegation. In order to show their inconsistency I find it necessary to place these Michigan statesmen on the dissecting table. I now want to call your attention to how the Representatives from Michigan voted on the 1921 reapportionment bill. Some of these Michigan Representatives have unequivocally charged other Members of Congress with having been guilty of dereliction of duty and with having violated or ignored the Constitution of the United States. I want to call the roll of the Michigan Representatives who defeated reapportionment in 1921.

Mr. Codd voted against recommitting.

Mr. MICHENER voted to recommit, thereby killing the bill that would have given Michigan three additional Representatitves and three additional votes in the Electoral College since 1921.

Mr. KETCHAM voted to recommit.

Mr. MAPES voted to recommit.

Mr. Kelly voted against recommitting.

Mr. CRAMTON did not vote, but was paired in favor of recommitting with Mr. STEVENSON, who was against recommitting the bill.

Mr. Fordney did not vote. He made a speech favoring the bill, which provided a House membership of 460, and he was paired against recommitting with Mr. CRISP, who favored recommitting the bill. Mr. Fordney was the Republican leader at that time.

Mr. MCLAUGHLIN voted to recommit.

Mr. WOODRUFF voted to recommit.

Mr. Scott did not vote, but was paired in favor of the motion to recommit with Mr. Moore, of Illinois, who opposed the measure.

Mr. JAMES voted to recommit.

Mr. Brennan voted to recommit.

Mr. SMITH did not vote and was not paired.

Mr. MAPES. Will the gentleman yield?

Mr. LOZIER. I will now yield to my colleague from Michigan.

Mr. MAPES. Would it not be fair to assume that those who voted for the motion to recommit assumed that the members of the Committee on the Census would perform their duty and vote out an apportionment bill that would conform to the sentiment of the House as expressed by its action in recommitting the bill fixing the membership of the House at 460?

Mr. LOZIER. Oh, the gentleman from Michigan is one of the ablest Members and one of the best parliamentarians in the House. He knows how to get a committee to forthwith report back a bill under a motion to recommit. He knows that the usual procedure is to offer a motion to recommit with instructions to the committee to immediately report the bill back to the House with certain designated amendments. The gentleman can not hide behind the Census Committee. The gentleman well knows that the proper procedure would have been to have included in the motion to recommit instructions to the Census Committee to report out a bill providing for a membership of 435, if that was what was wanted by the person or group offering the motion to recommit.

Mr. MAPES. With a complex piece of legislation such as an apportionment bill, the House having expressed itself as to the number, would not a more orderly procedure be to have it referred back to the committee to perfect?

Mr. LOZIER. Certainly not! The gentleman knows that a motion to recommit under these circumstances is a motion to kill the bill. The gentleman knows that. I have too high an opinion of the gentleman's ability and parliamentary knowledge to think that he did not know that he was killing that reapportionment bill when he voted to recommit it. The gentleman knows that when you vote to recommit a bill without instructions such vote is a vote to kill the bill. I am discussing the facts. I am giving the gentleman credit for more intelligence than he claims for himself, and I recognize the very evident fact that he is a man of superior intellectual attainments.

Mr. MAPES. Under the strict construction of the rule there is no reason why a motion to recommit should be construed as a refusal to consider the subject matter at all.

Mr. LOZIER. The gentleman knows that if it had been the purpose of those voting to recommit to have the committee rereport the bill, limiting the membership to any definite number, instructions to that effect would have been embodied in a motion to recommit. The bill pending at that time provided for a House membership of 460. During the course of the debate the House had defeated the Barbour amendment, which sought to limit the membership to 435, and also defeated the Tinkham amendment, which provided that the membership should be reduced to 425. By these votes the House very clearly indicated that it favored increasing the membership to 460, and to prevent this increase a number of Representatives from California and a majority of the Representatives from Michigan made common cause with others who opposed the measure and voted to recommit the bill, and without these California and Michigan votes the motion to recommit would have been defeated. The House having voted twice against proposals to limit the membership to 435 or less, the proper and sensible course to pursue would have been to vote on the then pending bill, which provided for a membership of 460. It would have been an unnecessary and foolish act for the House to recommit the bill with directions to the Committee on the Census to forthwith rereport the bill providing for a membership of 460, because the bill that the House was then considering provided for a membership of 460.

Undoubtedly this bill would have passed the House if these gentlemen had not voted for its recommitment. By their votes they prevented an increase in the membership of the House, but at the same time they deprived their own States and other States or 27 additional Representatives in Congress and 27 additional votes in the Electoral College. By no process of reasoning can these gentlemen from Michigan and California and those who cooperate with them escape responsibility for depriving their respective States for seven years of the increased representation to which they were entitled under the 1920 census.

Mr. LEA. Will the gentleman yield?

Mr. LOZIER. I will now gladly yield to my friend from California.

Mr. LEA. I think the gentleman is erroneous in assuming that the Members of the California delegation questioned the good faith of those who voted to the contrary. As a Member, I never questioned the good faith of any Member, whether he voted for reapportionment or not.

Mr. LOZIER. I am quite sure the gentleman from California [Mr. LEA] never questioned the good faith of his colleagues who do not favor the pending measure, because he is always courteous and not inclined to question the sincerity of those with whom he is in disagreement, but some of his California colleagues are less considerate, and they have been preaching for the last five years that Congress had been remiss in the discharge of its duties and had violated the Constitution in not passing a reapportionment bill, although, as a matter of fact, some of these California Representatives cast the deciding votes that killed the 1921 reapportionment bill.

Mr. BARBOUR. Will the gentleman yield?

Mr. LOZIER. I will.

Mr. BARBOUR. Assuming that all the gentleman said about the Sixty-sixth Congress is correct, what about the Sixty-seventh Congress, the Sixty-eighth and Sixty-ninth Congresses, when the Census Committee absolutely refused to report a bill out?

Mr. LOZIER. I was not a Member of either the Sixty-sixth or Sixty-seventh Congress. The gentleman from California [Mr. BARBOUR], who has been a member of the Census Committee, knows that I came to Washington as a Member of the Sixty-eighth Congress. At that time the Republican majority had neglected for years to pass the reapportionment bill. The leaders of the House had shunted it aside—the leaders of the gentleman's own party. If they had not been opposed or indifferent to the passage of an apportionment bill, one would have been enacted long before I became a Member of Congress. Whatever odium that may attach to Congress because of its failure to reapportion representation must be chargeable to the Republican Party that had been in control of both the executive and legislative branches of Government since March 4, 1921.

Many of the outstanding leaders of the Republican Party in the Sixty-seventh Congress, by voting to recommit, helped to defeat the 1921 reapportionment bill. Here are some of the names of Republican leaders who voted to recommit the reapportionment bill in 1921, thereby preventing California, Michigan, and 14 other States from having the increased representation in the House and Electoral College to which their population, under the 1920 census entitled them: Burtness, Burton, Chalmers, Chindblom, Cooper of Wisconsin, Fairchild, Fairfield, Fenn, Fish, Frear, Frothingham, Hawley, Hoch, Lampert, Lehlbach, Luce, MacGregor, Nelson of Wisconsin, Newton of Minnesota, Sinnott, Sproul, Summers of Washington, Tilson, Tinkham, Treadway, Williamson, Winslow, Wood of Indiana, and others too numerous to mention.

In the last analysis the Republican oligarchy in Congress was responsible for killing the 1921 reapportionment bill. Some of my colleagues from California and Michigan have never been happy since they defeated that measure, and in order to get the Representatives that they declined to take in 1921 these gentlemen have forced the consideration of the bill that is being debated on the floor of the House to-day.

Mr. JACOBSTEIN. Will the gentleman yield for a question?

Mr. LOZIER. I prefer to complete my statement after which I will yield to my friend from New York if I have any time left.

Mr. RANKIN. The 1921 reapportionment bill was recommitted by only a majority of 4 votes.

Mr. LOZIER. Yes; only 4 votes, and the delegations from Michigan and California withheld those 4 votes, thereby depriving the people of their own States of the increased representation they would have received under the proposed 1921 apportionment bill.

Mr. McLEOD. Will the gentleman yield?

Mr. LOZIER. Yes.

Mr. McLEOD. In the gentleman's opinion, did those gentlemen do wrong in so voting?

Mr. LOZIER. I think they exercised exceedingly poor judgment, but I do not say that they did wrong in voting to kill the 1921 reapportionment bill. I assume they voted in accordance with their best judgment and in harmony with their conscience. They had two alternatives; one was to vote to keep the membership down to 435 and thereby kill the pending reapportionment bill, and the other was to increase the membership to 460 as provided in that bill, which would have given additional representation to their States. If they wanted to worship the number 435—if they thought more of the fetish of 435 than they did of passing a reapportionment bill that would have materially increased the representation from their respective States, I would not condemn them for voting as they did. By voting for the bill which provided for a membership of 460 these gentlemen could have materially increased both numerically and relatively the voting strength of their respective States in the House and in the Electoral College. By voting to recommit they defeated reapportionment and deprived their States of the increased representation to which they were entitled under the 1920 census. They had the right to choose between two alternatives. They chose to vote for a proposition that defeated reapportionment and deprived their States of this increased representation. If they thought they were doing right when they thus voted, then I do not blame them for their votes, but they must assume responsibility for their deliberate acts, and after helping to kill the 1921 reapportionment act they should not blame some one else for the consequences that resulted from their having in cold blood assassinated that legislation. Having voted in 1921 to strangle and chloroform reapportionment, it does not now lie in the mouths of my colleagues from California and Michigan to challenge the good faith of other Members who in 1921 favored a membership of 460, nor can they consistently challenge the good faith of those who now favor an increase in the membership of the House.

Mr. McLEOD. Did the gentleman support that bill that he is now talking about?

Mr. LOZIER. I was not a Member of Congress at that time.

Mr. McLEOD. Would the gentleman have supported that bill if he had been a Member?

Mr. LOZIER. I do not know whether I would have or not. I was not a Member of this House then, and why speculate as to what I would do or would not have done if I had been a Member of this body at that time? The gentleman well knows why I am opposing reapportionment under the 1920 census. Since I came here at the beginning of the Sixty-eighth Congress my position on reapportionment has been well known to every member of the committee and I believe to every Member of the House. The Republican majority in Congress made no effort to have a reapportionment bill reported during the Sixty-eighth Congress. In the Sixty-ninth Congress I opposed any reapportionment based on the 1920 census for several reasons. Congress, under Republican leadership and control, waited six or seven years before it seriously considered reporting a reapportionment bill. In other words, the Republican Party, although in full control of the executive and legislative branches of our Government, idled away and wasted nearly seven long years after the 1920 census before it made any serious effort to reap-

portion representation under that census. The Republican Party waited until the time was near at hand to take the 1930 census. Near the close of the Sixty-ninth Congress a feeble gesture was made by the majority party to pass the reapportionment bill, but the measure had only the half-hearted support of the Republican leaders, and many of them by their votes and influence actively aided in the defeat of that measure, which in effect meant that they were opposed to any reapportionment until one could be made under the 1930 census. And after they have waited so long, I think it would be exceedingly foolish to pass a reapportionment act now, because it could not be put into operation by the States and made effective before the 1930 census is taken.

The census of 1920 was taken in January, when the roads in the agricultural sections were bad—in fact, almost impassable—and when the weather was exceedingly severe. Under these conditions anything like an accurate enumeratien in the agricultural districts was impossible. According to the Director of the Census, whose testimony appears in the hearings, the 1920 census was taken at the worse possible time to secure anything like a complete enumeration in agricultural communities.

In addition to the handicaps to which I have referred it is conceded that at the time the 1920 census was taken millions of boys from the farms, who had entered the Army had not reestablished themselves in the rural districts, but were temporarily employed in the cities and great industrial centers, expecting to return to their farm homes in February or March and take up anew their farm work. As a result, millions of our farm population, temporarily absent from the farms, were enumerated in the cities and in the great industrial centers, thereby tremendously and improperly inflating the population of the industrial States. The 1920 census was taken before there had been a readjustment of the population between the agricultural and industrial States and that census reflected the temporary shift from the farms to the industrial centers which was inevitable as a result of war conditions. In that census the agricultural population was not properly enumerated or allocated to the States to which it rightfully belonged.

Another factor that contributed materially to the inaccuracy of the 1920 census was the grossly inadequate compensation allowed enumerators, which prevented the Census Bureau from obtaining the services of competent enumerators. The census was taken near the peak of high prices and the allowance to enumerators was so ridiculously small that dependable and efficient enumerators could not be secured, or if secured they soon resigned because their compensation was far below what they could earn in most any other employment, and this fact coupled with other conditions to which I have referred made the 1920 census grossly inaccurate, and inasmuch as we are now preparing to take the Fifteenth Decennial Census there is sound reason in postponing apportionment until the 1930 census is completed. The pending bill is a mere gesture. I do not believe any Member of this House believes that it announces a sound policy or offers a workable plan for future reapportionment of Representatives among the several States.

Six years have been allowed to elapse before you gentlemen have seriously considered the enactment of reapportionment legislation, and even now you approach this problem committed to the formula that the House membership shall be limited to 435. You pay homage and reverence to this arbitrary number, this fetish, with as much awe and devotion as the untutored savage worships a crooked stick, a "tumble" bug, a spotted rock, a tiger's tooth, or a buzzard's claw in darkest Africa. After sleeping at the switch for over six years you have suddenly discovered that Congress has been guilty of a hideous crime and violation of the Constitution in not reapportioning representation under the census of 1920. Whatever guilt attaches to Congress for this failure a part of it rests on your shoulders.

It is conceded that it is now too late to enact and make effective a reapportionment under the 1920 census, and it is almost universally agreed that inasmuch as reapportionment has been deferred so long we should wait until it can be made under the 1930 census. When a reapportionment is made I want it based on a fair and complete census, in which the agricultural population is enumerated with reasonable accuracy, so that agriculture will have its proportionate part of the Representatives in Congress and in the Electoral College.

A reapportionment based on the 1920 census would be manifestly unjust to the agricultural States, because it was taken at the time when millions of young men and women whose homes were on the farm were temporarily absent and employed in the industrial States. Under such an apportionment Missouri would have lost two Representatives and two electoral votes. Other agricultural States would have suffered in like manner. If such loss came as the result of a fair and accurate enumeration, Missouri and other agricultural States would not complain.

Inasmuch as you have waited eight years since the 1920 census was taken, and in view of the fact that the Republican Party temporarily strangled, mangled, and killed the 1920 reapportionment, and as we are now on the eve of the 1930 census no great harm will result if we defer reapportionment until it can be based on an accurate census taken at a season of the year when we know the agricultural population will be on the farms and accurately enumerated, and this is undoubtedly the judgment of a large majority of the membership of this House, both Democrats and Republicans.

In demanding that a congressional reapportionment be based on an accurate census I am not remiss in my duty nor am I violating the Constitution or my oath of office; I am only demanding that the agricultural States be given a square deal and an accurate enumeration, which they did not get in the 1920 census.

Mr. McLEOD. Then it is the gentleman's theory that additional wrongs make a right?

Mr. LOZIER. It is not a wrong to refuse to recognize a census that is notoriously incomplete and inaccurate and that is grossly unfair to the agricultural population. It is not a question of additional wrongs. The gentleman is shooting wide of the mark. Will the gentleman get up in his own time and tell the House whether the 1920 census was a just and fair census? The gentleman knows or should know that the 1920 census was taken in a slip-shod manner and millions of young men and women were temporarily away from the farms, working in the factories in the industrial centers, and were enumerated in these industrial cities when they should have been counted in their real homes in the agricultural communities if the census had been taken at a time of the year when the farm population was on the farm. I am not criticizing the Census Bureau, for the officials of which I have a high regard, but it was a mistake—yes, a blunder—to attempt an enumeration of the farm population in midwinter, when the weather was extremely severe and the roads almost impassable, and when the compensation allowed enumerators was grossly inadequate and entirely insufficient to secure the services of competent enumerators.

I have a great respect for my friend, the gentleman from Michigan [Mr. McLEOD], who is one of the most useful Members of this House. Said Alexander on one occasion, "I have slept rather late this morning, but then I knew Antipater was awake." As Antipater was always on guard when the interests of Alexander were involved, so the gentleman from Michigan [Mr. McLEOD] never sleeps when any legislation is pending that involves the interests of Michigan. I congratulate the people of his district and State on having the benefit of his services. However, candor compels me to say that he has grown a little lopsided and intellectually "groggy" on the subject of reappartionment, but he has lucid intervals when his faculties are directed to any other subject. I am sure he would not have made the blunder a majority of the Michigan delegation committed in 1921 when they, by a process of legislative hara-kiri, disemboweled the reapportionment act that would have given Michigan three additional Representatives and three additional votes in the Electoral College. But the gentleman from Michigan and his associates will never get a reapportionment bill until they cut loose from the hard-boiled reactionaries and agree to an increase in the membership of the House that will make it fully representative and enable the several vocational groups to have a voice and vote in legislative affairs.

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

Mr. LOZIER. I am sorry I can not yield to my good friend from California, but I have yielded generously to my colleagues, and I think I should use the remaining portion of my time to call your attention to some other facts in connection with this proposed legislation.

This bill is a deliberate attempt to place Congress in a strait-jacket, an attempt to limit the membership of the House to 435 for all time. The bill seeks to prescribe a national policy under which the membership of the House shall never exceed 435 unless Congress, by affirmative action, overturns the formula and abandons the policy enunciated by this bill. I am unalterably opposed to limiting the membership of the House to the arbitrary number of 435. Why 435? Why not 400? Why not 300? Why not 250, 450, 535, or 600? Why is this number 435 sacred? What merit is there in having a membership of 435 that we would not have if the membership were 335 or 535? There is no sanctity in the number 435. It was adopted after the 1910 census to meet conditions that then existed in the same manner as Congress in former years fixed the membership at some other number. There is absolutely no reason, philosophy, or common sense in arbitrarily fixing the membership of the House at 435 or at any other number.

The distinguished gentleman from Ohio [Mr. BURTON] in opposing any increase in the membership of the House quoted Mr. Madison as saying—

Though every member of the Athenian Assembly be a Socrates, the aggregate body would be a mob.

A very epigrammatic sentence, but void of reason and common sense. Athens lost her preeminence because she had not too many but too few men like Socrates in her legislative assemblies. The preeminence of Athens lasted only about 75 years. It began with her victory at the Battle of Platea, 479 B. C. It was strengthened by the confederation of Delos two years later. Her power was consolidated by Themistocles, whose farseeing naval policy contributed mightily to her commanding position. Her greatest influence was attained when Pericles was at the head of her affairs. Her glory departed in March, 404 B. C., when the Spartan Lysander sailed into her harbor Piræus, captured her triremes, destroyed her arsenals, burned her merchant ships, took possession of Athens, destroyed her strong and mighty bulwarks, while female flute players and wreathed dancers transformed the tragic demolition of the massive walls, the humiliation of proud Athens, into a Spartan festival. But, sirs, I say again, Athens perished not because she had too many but too few representative men in her assemblies. She fell from her high estate because she ceased to be a democracy and yielded to the government of a self-serving, special-privilege oligarchy. When Athens was dominated by a few men she suffered most. When she enlarged the number of her citizens who were privileged to participate in the making of her laws she prospered.

In the golden age of Pericles public opinion was respected and the popular will reflected in legislation. Attica, the State of which Athens was the capital, probably never had a population of over one-half a million, four-fifths of whom were slaves and one-half the remainder were resident aliens. The number of citizens, native males over the age of 20, who enjoyed the right of franchise was probably not in excess of 20,000. The population of the city of Athens never exceeded 200,000 and the number of those who were qualified to hold office was limited to a few favored groups.

I repeat that had Athens enlarged the membership of her legislative assemblies so all vocational groups and social classes would have had a voice and representation in the enactment of her laws, perhaps her preeminent position among the Grecian States and among the nations of the world would have been protracted for centuries. But Athens in her declining days was ruled by an oligarchy just as we will be governed if we do not enlarge the membership of the House so all sections and all vocational groups may be represented in this Chamber, and have a better opportunity to enforce their mandates and have their will reflected in legislation.

I speak regretfully when I say there is a rapidly growing group in the United States who are hostile to the fundamental principles of our Government, who look with contempt on the masses, or so-called common people, and who believe in restricting rather than enlarging the participation of the masses in legislative affairs. This group would like to see Congress abolished or reduced to a condition of impotence. They would like to see the power of the executive department enlarged until we would have a Government not of, by, or for the people but a Government by the President and by departments, bureaus, and commissions for the exclusive benefit of the special privilege classes. They would confer on the President and on bureau chiefs the right to determine what shall be our national policies and they would make Congress a mere puppet to register the will of the President and departmental heads.

These reactionary groups and individuals are opposed to increasing the membership of the House to meet the needs of our rapidly growing population. They do not want popular government in the true sense of that term. They would be supremely happy if Congress were composed of only a few men who would register the will of the President, bureau chiefs, and special-privileged classes. They would make Congress a close corporation controlled by the rich, powerful, high-born, and influential classes. I would rather have Congress a great, popular forum, in which great national problems could be debated and deliberately considered, and great, national policies formulated.

The smaller the membership of the House the easier it is to be controlled by those who seek to use it for the accomplishment of their selfish, sordid, and sinister purpose.

If, as Burke says, "Government is a contrivance of human system to provide for human wants," and if Macaulay was correct when he said, "The end of government is the happiness of the people," why should not our Government provide for an adequate and free expression of the popular will? What sound reason can be given for not enlarging the forum in which far-reaching national policies are fomulated? This House should be composed not only of representatives from every section of our far-flung domain, but in so far as reasonably possible by representatives of every vocational group in our diversified population, to the end that public questions may be considered from every possible angle and affect every class of society and every vocational group.

Mr. Webster was right when he said that ours is "the people's Government, made for the people, made by the people, and answerable to the people." Our legislative system is not a fossil but a living plant that grows and develops to the end that its fruitage may sustain and nourish good citizenship and render more efficient our benevolent governmental activities. The ideal Government should reflect and be responsive to the combined judgment and will of the masses.

Frederick the Great said, "If I wanted to punish a province I would have it governed by philosophers," and I will say if I wanted to destroy our free institutions I would create a Congress composed of a few men who believe in a governing class, a bureaucratic system, and who under cover despise the common people and look with a feeling akin to contempt on their capacity for self-government.

Dean Swift gave expression to a wise philosophy when he said "It may pass for a maxim in state, the administration can not be placed in too few hands nor the legislation in too many," meaning that in an ideal government legislation should be enacted by an assembly composed of representatives from all important vocational groups, and after legislation is enacted which represents the combined judgment of the masses, it can be best administered by comparatively few individuals.

Wendell Phillips declared that "Governments exist to protect the rights of the minorities. The loved and rich need no protection—they have many friends and few enemies," and Thaddeus Stevens said, "The freedom of a government does not depend upon the quality of those laws but upon the power that has the right to create them."

Every just government should and must reflect the public will and execute the public mandate. The smaller the legislative body the less responsive it is to public sentiment, less inclined to reflect the will of the electorate, more disposed to yield to pressure from those whose chief mission is to exploit the people and plunder the government, more likely to come under venal influences, and more eager to legislate for the benefit of a few favored classes to the detriment of the great army of so-called common people.

In the language of James Russell Lowell, "All free governments, whatever their names, are in reality governments by public opinion; and it is on the quality of that public opinion that their prosperity depends." Representative government is a farce if the legislative body consists of a comparatively few men who contemptuously ignore well-considered public opinion when unmistakably expressed at the ballot box. Ours is not a government created for the benefit of a favored few or in which legislation should be enacted for the enrichment of the few at the expense of the many.

Duclos said, "The best government is not that which renders men the happiest but that which renders the greatest number happy." A legislative assembly with comparatively few members will inevitably develop into an oligarchy and legislate to make a few vocational groups rich and prosperous at the expense of the masses. Mr. Hume, the eminent historian and philosopher, refers to the ease with which the many are governed by the few, and to quote Thaddeus Stevens again, "No government can be free that does not allow all of its citizens to participate in the formation and execution of her laws."

All governments are the efforts of men to organize society, and every undue restriction on the right of representation is an effort to overthrow liberty. The masses are the source from which springs nearly all that is good and wholesome in free governments, and all just governments reflect the tendencies and instincts of the masses. The supreme purposes of all free governments are to promote social, political, and economical justice to the end that the rights of the humblest citizen may be safeguarded as zealously as the interest of the opulent and high-born. Congress is the servant of the people—the agent, attorney in fact, or trustee of the public. Who will arrogate to himself the right to say how many agents the people may select to reflect their wishes, speak their views, and work their sovereign will? If you arbitrarily limit the right of the people to say how many representatives they shall have in the lower House of Congress you thereby impose unwarranted restrictions on them and limit their right of expression and representation.

John Bigelow in his keen and scholarly analysis of our scheme of government said:

The people of the United States very deliberately framed their Government with the view of remaining the masters of it and not of being mastered by it; and they are not yet willing to abdicate in favor of any, even the most audacious conspirator against their sovereignity.

If our Nation is to be true to the ideals and lofty standards established by our constitutional fathers it must be a reflex on the deliberate and independent opinion and judgment of the people. It will not do for a small governing group to say that the masses are not capable of having their will reflected in legislation. It is treason to assert that the people, as a whole, are not capable of knowing what legislation will best promote their interests and the welfare of the Nation, and it will be a sad day for our free institutions when a small group monopolizes the enactment and administration of our laws.

On one occasion John Bright, the great English statesman, said that the Government at Washington was the strongest Government in the world because it is based on the good will of an instructed people; and that is true.

Our Government is strong primarily because under our congressional system the several classes and vocational groups and all diversified interests have an opportunity to be heard and to have their views presented and their interests protected by the enactment of just, sound, and wholesome legislation. Every reduction, actual or relative, in the membership of the House will correspondingly reduce the opportunties of the various vocational groups to have a part in shaping legislation and will correspondingly increase the power of the privileged few of the influential or the dominant vocational class. A government that rests on the consent of the greatest number is more stable than one that is maintained by the authority of a few people. A legislative body made up of every large and important vocational group will come nearer enacting legislation in the interest of all the people than a legislative body with comparatively small membership. As was said by Daniel Webster in one of his masterly addresses—

I say to you, and to our whole country, and to the crowned heads and aristocratic parties and feudal systems that exist that it is to self-government—the greatest popular representation and administration—the system that lets in all to participate in the counsels that are to assign the good or evil to all—that we may owe what we are and what we hope to be.

In proportion to our population we have fewer representatives of the people in the House of Representatives than any first-class power in the world. The House of Commons, of the United Kingdom of Great Britain, has a membership of 615 after the withdrawal of the representatives from the Irish Free State; the population of the United Kingdom is approximately 45,000,000. Each member of the House of Commons from England represents approximately 72,000 people, and a district with an average area of 153 square miles. Every representative in the House of Commons from northern Ireland represents approximately 96,000 people and a district with an average area of 402 square miles. Every representative in the House of Commons from Scotland represents approximately 66,000 people and a district with an average area of 410 square miles. Every representative in the House of Commons from Wales represents approximately 61,000 people and a district with an average area of 196 square miles.

While under the present apportionment, based on the census of 1910, a Member of the House of Representatives of the United States represents approximately 242,000 people and a district with an average area of 6,824 square miles, and if the pending bill is enacted under the 1930 census each Representative in this Chamber will represent approximately 283,000 people, and, according to the formula embodied in this bill, in a comparatively short time, each Member of this body would have to look after the interests of one-half a million people.

I assert that no Member of Congress is capable of ably and efficiently representing more than 250,000 people, especially when you take into consideration the conflicting interests of different vocational groups and the tremendous diversification of our industries. If 60 per cent of the population of a district belong to the industrial class and 40 per cent of the population of that district belong to the agricultural group, obviously the industrial population will designate the Representative from that district and control and direct his vote and influence along legislative lines that will be beneficial to the industrial classes and disadvantageous to the agricultural group.

In nearly all the States the industries are diversified. The agricultural population dominates in certain States, while in other States the industrial and commercial classes are in the majority. A relatively small membership in the House will mean that the dominant vocational group in each State and in the Nation will send to this Chamber Representatives who are pledged to vote and use their influence to secure the enactment of laws which will promote the interest and welfare of such vocational group. On the other hand, if the membership of the House is within reasonable limits, increased with our expanding population, there will be better opportunity for the vocational classes that are in the minority to have Representatives in this body and to have a voice in the enactment of laws. A House of Representatives with a large membership will better enable the several vocational groups that make up our cosmopolitan population to have a voice and vote in the determination of our national policies, while a House with a smaller membership by a process of geometrical progression automatically and disproportionately decreases the influence, voice, and vote of the minority groups of our population.

The popular branch of the French Parliament has 626 members. The population of France is approximately 41,000,000, and each member of the lower house of the French Parliament represents an average of 66,000 people. In Italy, which has a population of approximately 37,000,000 people, the lower house has a membership of 508; each member represents approximately 71,000 people. In Germany, which has a population of approximately 55,000,000, the lower house has a membership of 423 and each member represents approximately 130,000 people. In Spain, which has a population of approximately 20,000,000, the lower house has a membership of 417 and each member represents approximately 48,000 people. In every civilized nation on the globe the popular legislative assembly has a much larger proportionate membership than our House of Representatives, although our diversified industries and great wealth should suggest a much larger membership in the popular branch of our National Congress.

The national wealth of the United Kingdom is approximately $120,000,000,000 and each member of the House of Commons represents approximately $195,000,000. The national wealth of Canada is approximately $22,000,000,000 and each member of the House of Commons of the Canadian Parliament speaks approximately for $90,000,000 of national wealth. The national wealth of France is approximately $60,000,000,000 and on an average each member of the French Chamber of Deputies represents $103,000,000 of wealth. The national wealth of Germany is $40,000,000,000 and on an average each member of the Reichstag represents about $81,000,000. The national wealth of Italy is approximately $35,000,000,000 and the average member of the Italian Chamber of Deputies represents about $62,000,000 of national wealth. The national wealth of Japan is approximately $23,000,000,000 and the average member of the Japanese Parliament represents about $48,000,000 national wealth. While the national wealth of the United States in 1925 was estimated to be $320,000,000,000, and each Member of the lower House of Congress, on an average, represents $737,000,000 of national wealth.

It is, therefore, very evident, all things being considered, that the membership of the House of Representatives is relatively and proportionately smaller than that of any similar legislative assembly in the world, and this is especially true when you take into consideration our enormous wealth, our diversified industries, our far flung public domain, our almost limitless natural resources, our complex industrial and economic structure. Ours is the largest, wealthiest, and most powerful nation on the globe. It is the greatest business corporation in the world. In reality the membership of Congress constitutes a board of directors charged with the formulation of national policies and the enactment of laws to conserve the interests and promote the welfare of all the people of the United States. The business of the Nation is of such tremendous magnitude and is so extremely complicated and is increasing so rapidly that the lower House of Congress can not continue to function efficiently and properly discharge its constitutional duties unless the membership of the House is moderately increased from time to time as our population increases and our social, industrial, and economical life expands. There are many reasons why the membership of the House should not be arbitrarily limited to 435. As I have said there is nothing sacred in the number 435. This number is not determined by any logical or scientific process of reasoning. This limitation on the membership of the House is not based on any sound public policy. By no logical process of reasoning can the proponents of the pending bill sustain their contention that for all time the American people shall be represented in this Chamber by 435 Members and no more.

Congress was made for the American people, to speak their will, reflect their wishes, and execute their deliberate judgment. Who, I pray, gave the present Members of this body power and authority to limit the membership of this House and by legislative fiat declare the number of Members of this body by which the American people may in the future work their will? Who constituted you the judges as to how many

servants the sovereign people may have or need in the future to honestly and efficiently legislate? How can you gentlemen with your finite vision fix a definite Procrustean standard by which the people of the United States in legislating must forever hereafter be governed? How can you tell in advance what size House will best serve the demands of future generations? Is the judgment of the men who now constitute the membership of this House so infallible and well matured that you can dogmatically assert that the American people need 435 Members in the lower House, no more, no less, to initiate and consummate legislation that will embody their approved policies and work their legislative will? Whence this ipse dixit, this infallible formula, this hard-and-fast dictum that at no time in the future will the people need more than 435 Representatives to speak for them in the popular branch of our legislative system? When did the American people, who own this Government, constitute you a judge of their future needs? Who authorized you to put the American electorate in a straight jacket which will prevent them from increasing the number of their agents and servants in this body, or make it exceedingly difficult so to do? When and where did you acquire the oracular wisdom which enables you to accurately foresee the future needs of the people of the United States? Why should this Congress impose its fallible will and immature judgment on all future Congresses? What would have happened if those who framed our Constitution had written therein a provision limiting the membership of the House to 65, or to 100, 150, or 200? I will answer and say that such a limitation would have placed the American people in a straight-jacket and created an oligarchy or formed a governing group which would have slowly, yet surely, undermined representative government and driven us dangerously close to a monarchial form of government.

But our constitutional fathers had the foresight, wisdom, and vision to understand that with the increase in population and with the development of our social, civic, and industrial and economic life it would be absolutely necessary from time to time to increase the membership of the House. They wisely limited the membership of the Senate, because the Senate is the voice or representative of the States as States; but the framers of the Constitution adopted a formula by which the membership of the House could be enlarged as the population increased or the needs of the people demanded. Have you more wisdom than those who formulated our organic law? Will you attempt to put the American people in legislative shackles and dogmatically say that they do not need and shall never at any time in the future have more than 435 Members in the lower House of Congress? While this measure can be repealed if it becomes a law, still the main object of this bill is to bind future Congresses and definitely establish a national policy.

When our Constitution was being framed there were those who leaned strongly toward a monarchial form of government and who desired to limit the power of the common people or masses to work their will or have a part in the enactment of legislation and in the administration of our Federal affairs. These men favored a House with a small membership in which a few strong and powerful men could and would control legislation. This group of men were in reality opposed to popular government and sought to limit in every possible way the participation of the masses in our governmental affairs. They favored a Government dominated by the educated, the wealthy, and the high-born. But this reactionary group, led by Alexander Hamilton and others, did not succeed in impressing their monarchial views on the convention that prepared our Federal Constitution. The men who really believed in representative government incorporated in our Constitution a provision for expanding the membership of the House. They realized that our population would increase and that the relationship between the people and their Government would become more intimate and complex and that there would be a multiplication of departments, commissions, bureaus, and other governmental agencies to such an extent that an enlargement of the membership of the House from time to time would not only be wise but necessary.

Since the foundation of our Government it has been the established policy of our Nation to enlarge the membership of the House after each decennial census, because such increase in the membership of the House was considered necessary in order to more efficiently accomplish the outstanding purpose for which this Government was created. This rule was never deviated from but once. Under the apportionment based on the 1840 census, the membership of the House was reduced from 242 to 232.

If some of the wise men who are now Members of the House and who are constituting themselves judges as to the future needs of the American people had been members of the Constitutional Convention they would no doubt have imposed their imperious will and immature judgment on future generations by writing into the Constitution a provision definitely limiting the membership of the House to some arbitrary number, thereby shackling the American people and making it increasingly impossible for our congressional system to function efficiently. In fact, there were a few reactionary members of the Constitutional Convention who believed that the First Congress, with a membership of 65, would be an unwieldy body, perchance a mob. But these men, led by Alexander Hamilton, did not write our Federal Constitution. Hamilton had much to do with securing the ratification of the Constitution, but practically nothing to do with writing it. Early in the sessions of the convention the views of Mr. Hamilton were rejected and those of Mr. Madison approved, and thereafter Mr. Hamilton had but little to say or do in the preparation of this epoch-marking, history-making document.

In all periods of our national history there have been a few "hard-boiled" reactionaries and bureaucrats who were tinctured with monarchical tendencies and who argued that the membership of the House was too large and that it was unwieldy and could not function efficiently. But their prophecies and dark forebodings have come to naught. I have heard some of my colleagues say that the membership of this House should be reduced at least one-half. Those who give expression to this sentiment are not thoughtful students of our free institutions. They remind me of poll parrots thoughtlessly repeating something they have heard some one else say. They would not give expression to such sentiments if they understood the genius and spirit of our institutions.

If you are going to destroy the representative character of the House and turn it into a little club or rich-man's bureau in which a few master minds will dominate their colleagues and determine national policies, why not go a step further and abolish Congress, abrogate the Constitution, adopt a monarchial form of government and make our President a king with autocratic power to both reign and rule? I assert that the House of Representatives with a large membership will best reflect, interpret, and declare the popular will and is the surest safeguard of our free institutions.

The Federal Constitution promulgated in 1787 provided for the taking of a census in 1790 and every tenth year thereafter, and until the population was ascertained under the First Census the number of Representatives should not exceed 1 for every 30,000 population. But each State, of course, should have at least one Representative; and until the first enumeration the membership of the House was fixed at 65. Under the 1790 apportionment the membership was increased to 105 or 1 Representative for every 33,000 people. In 1800 the membership of the House was increased to 142, or 1 Member for every 33,000 people. In 1810 the membership was fixed at 186, or 1 Member for every 35,000 people. Under the apportionment of 1820 the membership of the House was increased to 213, or 1 Representative for every 40,000 people. Under the 1830 apportionment the House membership was fixed at 242, or 1 Representative for every 47,700. Under the 1840 census the membership was reduced from 242 to 232, which was on the basis of 1 Representative for every 70,680 people. In 1850 the membership was increased to 237, or 1 Member for every 93,423 people. In 1860 the basis of representation was 127,381, which gave the House a membership of 243. In 1870 the basis of representation was 131,425, which again increased the membership of the House to 293. In 1880 the membership was fixed at 332, which was 1 Representative for every 151,911 people. In 1890 the basis of representation was 173,901, which gave the House a membership of 357. In 1900 the membership was fixed at 386, which was 1 Representative for every 194,182 people. In 1910 the apportionment act gave the House a membership of 435, which was 1 Representative for every 211,877 people. No apportionment has been made since that based on the census of 1910.

The Jefferson formula in apportioning representation among the several States was to divide the population of each State by 30,000 and add the quotients. This system prevailed for 50 years, and under it no attention was paid to fractions. The formula under which major fractions were recognized was first employed in the 1840 apportionment based on the 1840 census.

It is interesting to know that President Washington vetoed the first reapportionment bill enacted by Congress on the ground that it was unconstitutional because it recognized the principal of major fractions in allocating Representatives to the several States. This veto message was based largely on the brief and argument of Thomas Jefferson, who contended that under a proper construction of the Constitution fractions could not be considered in apportioning Representatives to the several States.

While the Jeffersonian formula for apportioning Representation was followed for 50 years, the correctness of this rule was vigorously assailed by Mr. Webster in the Senate in April, 1832, and by Senator Everett in May of that year. In his very able and logical argument Mr. Webster justified the major-fraction formula in apportioning representation among the States in proportion to their population, and while Mr. Webster did not succeed in having the major-fraction formula made the basis of the apportionment act of 1832 it was actually adopted in the apportionment act of 1842, which was based on the 1840 census. The arguments of Mr. Jefferson and Mr. Webster in favor of their respective methods of apportioning Representation are found in the fifth edition of Story on the Constitution, pages 495–512, and their careful study by every Member of this House is worth while.

When the text of the Federal Constitution was first submitted to the American people for ratification it was understood that if the Constitution was ratified a series of amendments would immediately be submitted to perfect the instrument. These proposals were declaratory and restrictive amendments to the Constitution. There were 12 of these amendments. In view of the strenuous efforts on the part of certain Members of the House and of the reactionary forces throughout the Nation at the present time to prevent an increase in the membership of the House, it is significant that the first of the 12 constitutional amendments proposed by Congress at its first session in 1789 related to the subject now under consideration in this House. That amendment was expressed in the following terms:

> After the first enumeration, required by the first article of the Constitution, there shall be 1 Representative for every 30,000, until the number shall amount to 100; after which the proportion shall be so regulated by Congress that there shall not be less than 100 Representatives nor less than 1 for every 40,000 persons, until the number of Representatives shall amount to 200; after which the proportion shall be so regulated by Congress that there shall not be less than 200 Representatives nor more than 1 Representative for every 50,000.

In the language of Judge Story—

> This amendment was never ratified by a competent number of the States to be incorporated into the Constitution. It was probably thought that the whole subject was safe where it was already lodged, and that Congress ought to be left free to exercise a sound discretion, according to the future exigencies of the Nation, either to increase or diminish the number of representatives.

And so say I. Sound public policy persuasively suggests that the limitation embodied in the pending bill shou'd not be approved and that Congress should be left entirely free to exercise a sound and reasonable discretion, according to the future exigencies of the Nation, to fix the membership of the House at such number as may be necessary to give all sections and vocational groups fair and just representation in this Chamber. This is especially true when we consider that the membership in the Senate is fixed on an entirely different basis than is employed in determining the membership of the House. In the Senate a majority of States may make their will effective, because the Senate as a body speaks not for the people but for the States as States. In the House, under the system of proportional representation, a majority of the people may make their will effectual in one branch of the legislative power. The Senate speaks for a majority of the States. The House speaks for a majority of the people; and when a bill passes both Houses it represents the combined will of a majority of the people—speaking through the House—and a majority of the States—speaking through the Senate.

Those who are so viciously opposed to any increase in the membership of the House lose sight of the fact that we must either increase the size of the House or the constituencies must be enlarged. The adoption of one or the other of these alternatives is inescapable. I insist that the representative character of the House will be materially improved by expanding the membership within reasonable bounds with the inevitable increase in our population. The representative character of the House will not be improved by enlarging the size of the districts and maintaining the membership at 435. The constituencies are now large enough. The average Member of Congress now has a constituency as large as he can efficiently serve.

Under our scheme of government, if Congress is to be truly representative each Member of the House, in so far as is reasonably possible, should be acquainted with his constituents or at least with a very considerable portion of them. This is essential in order that the Representative may know the viewpoint of his constituents, their needs, their problems, and their demands; what national policies they favor; what will best promote their economic well-being; what laws will contribute to their civic betterment and welfare and what laws will handicap them or withhold from them the social justice and equality of opportunity that is the constitutional right of every citizen.

Every Member of this House should have more than a passing acquaintance with the several cross sections of population in his district. He should familiarize himself with the factors and conditions which might help or hinder the people he represents. He should inform himself thoroughly as to the conditions and needs of his constituents, so that he will be able to speak for them, present their cause, press their claims, and represent them in the true sense of the term. Even now most districts are too large to enable a Member to get acquainted with a majority of his constituents, and often the districts are so large that he can not familiarize himself with the needs of the various vocational groups in his district, reconcile their conflicting demands, and adequately protect their diversified interests.

The more you enlarge the districts the larger the constituencies; the further you remove the Representative from contact with his constituents the less responsive he is to their will. The smaller the district the better acquainted a Member is with those he represents and the more readily he responds to their demands and the more efficiently he reflects their will. Moreover, it is not only necessary for the Member to know his constituents, but it is just as important that the constituents know their Representative.

In order that the people of a district may exercise intelligent judgment and make a wise choice in the election of their Representative they must know the man who seeks a commission to serve them. They must know him as a man, as a neighbor; know his public and private life; know whether or not he is capable and sincere and know whether he has the required amount of stamina to reflect their wishes and protect their interests. In view of our ever-expanding population, the people can not have this intimate knowledge of the qualifications of candidates for Congress if you adopt the policy of increasing the size of the constituencies and retain the membership at 435.

If you should need an agent or attorney to represent you, speak for you, and protect your interests, prudence would suggest that you employ one with whom you are acquainted and with whose private, public, and professional life you are familiar, either from actual contact or by reputation. A Member of Congress is an agent or attorney in fact for his constituents. He can not satisfactorily represent them unless he has talked with them, heard their story, listened to their statements, ascertained their viewpoints, and become saturated with the spirit that actuates those he represents. In like manner the closer a Member of Congress is to his constituents the more efficiently he will serve them and reflect their will. A Member representing 200,000 people can know and serve his constituents better than a Member who represents 500,000 people. The smaller the district the better acquainted the people will be with their Representative and the easier it will be to check his actions and retire him to private life if he is derelict in his duty.

By enlarging the size of the constituencies and holding the membership of the House at 435 the less responsive Congress will be to the popular will. By maintaining the present membership of the House you make it increasingly easy for the great corporations and special-privilege classes to control legislation and dominate the economic life of the Nation. If the membership of the House is not reasonably expanded with the increase in our population, in a few years this Government will be completely dominated by the sinister and cynical influences that make merchandise of patriotism and avariciously plunder the public. I do not deny that in after years there may come a time when wisdom will suggest that the membership of the House be not increased following each decennial census, but we have not yet reached that point and in my opinion that time is far off. When our Federal Constitution was adopted we had thirteen States. These States, in 1790, had a population of 3,929,214. The Constitution fixed the membership of Congress at 65 until the taking of the first census. That was on the basis of 1 Representative for every 60,449 people.

New Hampshire with a population in 1790 of 141,885 was given 3 Representatives, or 1 Member for every 47,295 people, while under the present apportionment New Hampshire, with a population of 430,572, has only 2 Representatives (1 less than she had in 1790). She now has 1 for every 215,286 people.

Massachusetts, with a population in 1790 of 378,787, was given 8 Representatives, or 1 for every 47,348 people. While under the present apportionment Massachusetts, with a population of 3,366,416 has 16 Representatives, or 1 for every 210,401 people.

Rhode Island, with a population in 1790 of 68,825, was given 1 Representative, while under the present apportionment, Rhode Island, with a population of 542,610, has 3 Representatives, or 1 for every 187,536.

Connecticut, with a population in 1790 of 237,964, was given 5 Representatives, or 1 for every 47,592, while under the present apportionment Connecticut, with a population of 1,114,756, has the same number of Representatives she had in 1790. She now has 1 Representative for every 222,951.

New York, with a population in 1790 of 340,120, had 6 Representatives, or 1 for every 56,686 people, while under the present apportionment New York, with a population of 9,113,614, has 43 Representatives or 1 for every 211,943 people.

New Jersey, with a population in 1790 of 184,139, was given 4 Representatives, or 1 for every 46,034 people, while under the present apportionment New Jersey, with a population of 2,537,167, has 12 Representatives, or 1 for every 211,430 people.

Pennsylvania, with a population in 1790 of 434,373, was given 8 Representatives, while under the present apportionment Pennsylvania, with 7,665,111 people, has 36 Representatives, or 1 for every 212,919 people.

Delaware, with 59,096 population in 1790, was given 1 Representative, while under the present apportionment Delaware with a population of 202,322 still has but 1 Representative.

Maryland, with a population in 1790 of 319,728, was given 6 Representatives, or 1 for every 53,288 people, while under the present apportionment Maryland, with a population of 1,295,346, still has 6 Representatives or 1 for every 215,557 people.

Virginia, with a population in 1790 of 747,610, was given 10 Representatives, or 1 for every 74,761 people, while under the present apportionment Virginia, with 2,061,612 population, has 10 Representatives (the same number as in 1790), or 1 for every 206,161 people.

North Carolina, with a population in 1790 of 393,751, was given 5 Representatives, or 1 for every 78,550 people, while under the present apportionment North Carolina, with a population of 2,206,287, has 10 Representatives, or 1 for every 206,287 people.

South Carolina, with a population of 249,073, was given 5 Representatives, or 1 for every 49,814 people, while under the present apportionment South Carolina, with a population of 1,515,400, has 7 Representatives, or 1 for every 216,485.

Georgia, with a population of 82,548, was given 3 Representatives, or 1 for every 27,516, while under the present apportionment Georgia, with a population of 2,609,121, has 12 Representatives, or 1 for every 217,426 people.

Congress has been very conservative in adopting a basis for representation in the House. If we had the same basis of representation now that was adopted for the first Congress, the membership of the House would be approximately 1,700. Subsequent Congresses, as to the size of the House, have been much less radical than the framers of our Constitution and we can safely trust Congress at all times in the future to adopt a basis of representation that will be reasonable and proper.

In calling your attention to the fact that the House of Commons had a membership of 615, I intended to state that there is less reason for the House of Commons having a large membership than there is for increasing the membership of the House of Representatives. The British Empire, while nominally monarchial in form, is nevertheless governed by Parliament through ministers chosen by Parliament. The House of Commons does not enact all laws by which the British Empire is governed. Many of the laws and regulations are mere orders promulgated by the ministers. I refer to orders in council or orders issued by the ministers and which have the force and effect of laws as though enacted by Parliament. The real details of the administration of the British Empire are generally worked out in council, and all orders in council have the effect and force of law. The primary function of the British Parliament is to formulate and declare national policies and to enact general laws, leaving to the ministry the making of administrative provisions. Yet Great Britain, with a population of about one-third our population and with about one-fourth of the wealth of the United States, has 615 members in the House of Commons and approximately 1,000 members in the House of Lords.

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

Mr. LOZIER. I regret that I can not yield now, but I must complete this statement. It is argued that the House with a membership of more than 435 would not function and that it would be unwieldy. In answer to this I say that the House of Representatives, with a membership of 435, functions more efficiently than the Senate with a membership of 96. The House of Representatives functions more efficiently than any other parliamentary body in the world. Under its rules and practice the House can at all times speedily and effectively work its will. Ours is a government by political parties. The majority party in the House controls all the committees, and with this legislative machinery the House can dispose of legislation with unprecedented celerity. No one who knows anything about proceedings in this House will say that it would function more efficiently if it has only 200 Members, and with this legislative machinery a House of Representatives with a membership of 500 or 600 would function just as expeditiously and efficiently as with the present membership.

But some of my colleagues are still afraid that a House with 500 or 600 Members will be "too big." Why, gentlemen, this is a big country, and why should we fear to have a House comparable in size with our greatness as a Nation? Ours is the greatest Nation the sun smiles upon in his steady stride through the far-flung universe; ours is the greatest and most benevolent Government conceived in the minds of men since the morning stars sang together and the curtain went up on human history. Our wealth of farms, fields, factories, forests, mills, mountains, and plains far exceeds that of any other nation. Ours is a complex and exceedingly complicated industrial and economical system. Our interests and activities are tremendously diversified and antagonistic, and the government of 125,000,000 people is a big job. There are so many economic cross currents and political rip tides that the enacting of laws for the government of 125,000,000 people is no easy task. Five hundred or six hundred men or even more are not too many men on whose shoulders the government of the mighty Nation rests. In 25 years the population and business of this Nation will have grown so enormously that Congress will have at least 700 Members, and in 50 years 1,000 Members of Congress will not be too many.

Under the well-established and smoothly working rules by which the House of Representatives operates, the addition or subtraction of 100 from the present membership will not militate against the expeditious disposition of legislation, although any substantial reduction in the membership will make the body less representative, less responsive to popular will, and more subject to the pernicious influence of a corrupt lobby. Under the present machinery of the House, legislation approved by the leaders can and is put through by the leaders with a celerity seldom equaled and never surpassed in the history of representative government. The leaders of the majority may be slow in reaching a decision as to what legislation they will enact, but after a decision is once reached the approved legislation is almost invariably considered at once and enacted. Debate can be limited to a few minutes or hours, and this to all intents and purposes is the same as no debate. So there is absolutely no basis for the claim that a larger House could not function efficiently.

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

Mr. LOZIER. I regret I can not yield further. I want to call the attention of my colleagues to a quotation from a book written by my friend the distinguished gentleman from Massachusetts [Mr. LUCE], one of the most versatile and scholarly men in the House. I have not always agreed with him. I think he is often wrong, and if you will permit the expression, I think he is frequently "economically unsound," but no one will challenge his versatility and profound learning. In his very valuable work on "Legislative assemblies" he discusses the question as to whether or not a large legislative body functions more efficiently than a small one. He sums up the arguments in favor of a large legislative assembly, as follows:

> "Large houses are likely to secure representation of a greater variety of social interest by having in their membership men of all the professions and many pursuits. A much more extensive knowledge of local conditions and local opinion is available. Venal influences can not turn a large body from the path of duty. Bribery and corruption have less chance; logrolling is harder; all secret influences are hampered. In speeches and votes personal friendships are less likely to embarrass or swerve. Many more citizens can profit by a share in the educating effect of legislative service, and in turn schooling in public affairs is much more widely diffused by them throughout the community. More voters know their representatives and therefore take personal interest in the work of the legislature. State-wide acquaintance is fostered. Large bodies move more slowly and therefore with less danger from hasty change. There are more men among whom to divide the work of committees."

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

Mr. LOZIER. Will the gentleman from Mississippi yield me a little more time to finish this apropos quotation from this most excellent treatise of the gentleman from Massachusetts? It goes to the heart of this question, and I want the proponents of the pending bill to hear these words of wisdom from the gentleman and prophet from Massachusetts.

Mr. RANKIN. I yield to the gentleman seven minutes more.

The CHAIRMAN (Mr. ELLIOTT). The gentleman from Missouri is recognized for seven minutes more.

Mr. BEEDY. Do I understand the gentleman is reciting this to prove that Mr. LUCE is wrong? [Laughter.]

Mr. LOZIER. The gentleman from Massachusetts [Mr. LUCE] is sometimes wrong, but when he wrote this admirable volume he was right; dead right! But if he has any intention of voting for this pending legislative monstrosity he is as wrong in his attitude toward this bill as he was right when he wrote this book, and I would be constrained to appeal from Philip drunk on partisanship to Philip sober, who, in the volume mentioned above, so convincingly states the reasons in favor of a large membership in the popular branch of the Government of a free people. Our distinguished colleague in the same volume sums up the arguments in favor of a legislative assembly with a smaller membership.

Mr. ENGLEBRIGHT. Is that in the same book?

Mr. LOZIER. Yes; and on the following page. After giving the arguments pro and con the learned author then gives his own views in the following language:

> Such a contradiction of arguments so numerous makes it gross presumption for any one man to speak dogmatically. Appreciating the need of modesty where so many thoughtful men have failed to reach anything like agreement, I venture a conclusion of my own with no other hope than that as an opinion it may count for one. It is to the effect that for the purpose of embodying the common will in statutes of general purport concerned with principles and policies, the larger the House the better; and that for the purpose of transacting the business of government, the administrative business now so unwisely imposed on representative bodies elected by popular vote, the smaller the House the better. When the time comes that these two distinct functions are separated, with the legislature restricted to principles and policies and with the making of rules and regulations transferred to some sort of administrative agency, then the type of house found in New Hampshire and Massachusetts or at Washington will prove the safer and wiser.

The learned author says that for the purpose of embodying the common will in statutes of general purport concerned with principles and policies, the larger the House the better. And that is true. After all, our structure of government is built around the Congress. It is the body primarily designated by the Constitution to express the will of the people and to determine national policies. Congress alone can enact laws. Congress alone can initiate legislation, and those who wrote the Federal Constitution made the House of Representatives the more important branch of our legislative system because it expressly provides that all legislation involving the levy of taxes and the collection of revenue must originate in the House of Representatives and can not originate in the Senate. In other words, under the Constitution the power to enact tax legislation is vested exclusively in the House. This is a wise provision, because every battle for human freedom has been fought around the standard of taxation, and in order that the masses may control taxation the House of Representatives should have a membership sufficiently large to give all important vocational groups a voice and vote in this the popular branch of our legislative system, to the end that Congress may reflect the will of the people and determine national policies in harmony with an enlightened public sentiment.

The supreme purpose of all law is to promote social justice, and the Congress of the United States was established to the end that the common will of the people might be established by statutory law. [Applause.]

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

Mr. RANKIN. Mr. Chairman, I ask unanimous consent that all Members speaking on this measure may have five legislative days in which to extend their remarks.

The CHAIRMAN. Without objection it is so ordered.

There was no objection.

Mr. FENN. Mr. Chairman, I yield to the gentleman from Oregon [Mr. SINNOTT].

The CHAIRMAN. The gentleman from Oregon is recognized.

Mr. SINNOTT. Mr. Chairman, the actual trail to the far West, its hardships and difficulties, are well known. The story of the covered wagon has made them so. The legislative trail to the far West is not so well known. It, too, had its hardships and difficulties.

So that the legislative trail may be better known, I ask unanimous consent to extend in the CONGRESSIONAL RECORD data regarding the legislative history of the Lewis and Clark expedition, the objections to the passage of the Oregon donation act, and the objections to the homestead act, as revealed in the debates in Congress.

The misgivings expressed in the congressional debates about the wisdom and possible effect of these measures were never realized. On the contrary, these measures made for the development and splendor of our country. So may it be with pending measures for the further development of the West—the misgivings may never be realized.

The data which I desire to insert in the CONGRESSIONAL RECORD was prepared in the legislative reference service of the Library of Congress by Miss Rita Dielmann, who is entitled to great credit for the painstaking way in which she has gleaned through the RECORD.

LIBRARY OF CONGRESS,
Washington, March 30, 1928.

Hon. N. J. SINNOTT,
Chairman Committee on the Public Lands,
Room 347, House Office Building, Washington, D. C.

DEAR SIR: In response to your letter of March 17, asking for information as to the objections made in Congress to the Lewis and Clark expedition, the Oregon donation act, and to the homestead law, I submit the three following typewritten studies:

The legislative history of the appropriation for the Lewis and Clark expedition.

A statement of the objections in Congress to the Oregon donation act.

Objections to the homestead act as revealed in the debates in Congress.

Very respectfully,

H. H. B. MEYER,
Director Legislative Reference Service.

THE LEGISLATIVE HISTORY OF THE APPROPRIATION FOR THE LEWIS AND CLARK EXPEDITION

On January 18, 1803, President Jefferson addressed a confidential message to Congress on the renewal of the act for maintaining trading houses with the Indians. He asked for an appropriation of $2,500 "for the purpose of extending the external commerce of the United States." (Annals of Congress, 7th Cong., 2d sess., pp. 24–26.)

The legislative history of the act for "extending the external commerce of the United States" discloses no opposition to the bill or to the appropriation. The Annals of Congress contain no record of debate. The bill granting $2,500 for extending the external commerce of the United States became a law February 28, 1803. (Annals of Congress, 7th Cong., 2d sess., pp. 27, 32, 81, 82, 91, 207, 522, 534, 543. Appendix, p. 1566.)

Something of the state of the public mind and of Congress on exploring the Northwest may be gleaned from Jefferson's correspondence.

As early as December 4, 1783, Jefferson wrote to Gen. George Rogers Clark:

"Some of us have been talking here in a feeble way of making the attempt to search [the country from the Mississippi]; but I doubt whether we have enough of that kind of spirit to raise the money." (F. G. Young, The Lewis and Clark Expedition, p. 16.)

On February 27, 1803, Jefferson wrote to Doctor Barton asking for notes on botany, zoology, and Indian history:

"You know we have been many years wishing to have the Missouri explored, and whatever river heading with it that runs into the western ocean. Congress, in some secret proceedings, have yielded to a proposition I made them for permitting me to have it done." (The Writings of Thomas Jefferson. Washington ed., vol. 4, p. 470.)

On February 28, 1803, Jefferson wrote to Casper Wistar asking him to treat his letter confidentially:

"I have at length succeeded in procuring an essay to be made of exploring the Missouri and whatever river heading with it that runs into the western ocean. Congress by secret authority enables me to do it." (Ford edition VIII, p. 192.)

To Meriwether Lewis, April 27, 1803:

"The idea that you are going to explore the Mississippi has been generally given out. It satisfies public curiosity, and masks sufficiently the real destination." (Ford edition VIII, p. 193.)

To Benjamin Rush, February 28, 1803:

"I wish to mention to you in confidence that I have obtained authority from Congress to undertake the long-desired object of exploring the Missouri and whatever river heading with it that leads into the western ocean." (Ford edition VIII, p. 219.)

Professor Cox points out that the expedition was planned and the appropriation granted before the Louisiana Territory was actually purchased. Hence the expedition was managed with considerable secrecy and deception. The act conveying the appropriation bore a misleading title and the expedition purported to be a scientific and literary one in order to allay any disquietude of British fur traders and Spanish officials. (I. J. Cox, The Early Exploration of Louisiana, pp. 16–18.)

Lewis showed some eagerness to present the results of his explorations to Congress, and when he had nothing to show for the appropriation granted in February, 1803, except the construction of his boat at Pittsburgh, he asked President Jefferson to permit him to make some little side expedition before the Eighth Congress opened in special

session on October 17, 1803. To this departure from the main object of the expedition Jefferson did not consent. (I. J. Cox, p. 20.)

On August 11, 1803, Jefferson wrote to Isaac Briggs, a Government surveyor:

"Congress will probably authorize the exploration of the principal streams of the Mississippi and Missouri." (I. J. Cox, p. 39.)

Jefferson forwarded to Lewis a map of the Missouri, and added:

"The acquisition of the country through which you are to pass has inspired the country generally with a great deal of interest in your enterprise. The inquiries are perpetual as to your progress. The Federals alone still treat it as a philosophism, and would rejoice at its failure. Their bitterness increases with the diminution of their numbers and the dispair of a resurrection. I hope you will take care of yourself and be a living witness of their folly." (I. J. Cox, p. 22.)

By the middle of November, 1803, Jefferson spoke of the interest in the expedition as general. On November 16 he wrote to Lewis:

"I have proposed in conversation, and it seems generally assented to, that Congress appropriate ten to twelve thousand dollars for exploring the principal waters of the Mississippi and Missouri. (The Writings of Thomas Jefferson, memorial edition, vol. 10, p. 433; I. J. Cox, p. 22.)

Professor Cox remarks:

"The result of Jefferson's quiet personal work among the members of the Eighth Congress appeared in a report dated March 8, 1804, from the Committee of Commerce and Manufactures." (I. J. Cox, pp. 40–41.)

February 18, 1804, Mr. Moore, Representative from Virginia, offered a resolution instructing the Committee of Commerce and Manufactures to inquire into the expediency of authorizing the President of the United States to employ persons to explore such parts of the province of Louisiana as he may think proper. * * * Passed, ayes 53. No debate. (Annals of Congress. 8th Cong, 1st sess., vol. 18, p. 1036.)

On March 8, 1804, the House heard the report of Mr. Samuel L. Mitchill, from the Committee of Commerce and Manufactures:

"By a series of memorable events the United States have lately acquired a large addition of soil and jurisdiction. * * * It is highly desirable that this extensive region should be visited, in some parts at least, by intelligent men. Important additions might thereby be made to the science of geography [and] * * * the Government would thence acquire correct information of the situation, extent, and worth of its own dominions. * * *

"There is no need of informing the House that already an expedition, authorized by Congress, has been actually undertaken and is going on, under the President's direction, up the Missouri. The two enterprising conductors of this adventure, Captains Lewis and Clark, have been directed to attempt a passage to the western shore of the South Sea. * * *

"The committee submit the following opinion:

"That it will be honorable and useful to make some public provision for further exploring the extent and ascertaining the boundaries of Louisiana; and

"That a sum not exceeding $——— be appropriated for enabling the President of the United States to cause surveys and observations to be made on the Red River and the Arkansas, or either of them, or elsewhere in Louisiana, as he shall think proper for these purposes."

The report was referred to the Committee of the Whole on Wednesday next. (Annals of Congress, 8th Cong., 1st sess., pp. 1124–1126.)

The House of Representatives was absorbed in the debate on the civil government of Louisiana and failed to pass the appropriation bill for the exploration of Louisiana in that session.

On March 13, 1804, Jefferson wrote to William Dunbar, a scientist, of Mississippi, that he expected Congress to authorize him to explore the greater waters on the western side of the Mississippi and Missouri to their sources, and that preparations would be made at Natchez and New Orleans under Dunbar's care, but that Congress was hurrying their business so for adjournment that he expected them to leave some details unfinished. (Washington edition, IV, pp. 540–541.)

On May 14, 1804, Lewis and Clark passed up the Missouri, crossed to the Pacific, and reached St. Louis September 23, 1806.

On February 19, 1806, President Jefferson communicated to Congress a report of the Lewis and Clark expedition with a letter from Captain Lewis. (Annals of Congress, 9th Cong., 2d sess., pp. 1036–1147.)

It was almost a year before the House of Representatives appointed a committee (January 2, 1807) to inquire what compensation ought to be made to Lewis and Clark and their companions for their services in exploring the western waters.

Mr. Dawson, of Virginia, said he was induced to invite the House to consider such compensation from the communication of the President which held out the idea that the sum which the House had appropriated in 1803 was but a part of what might be necessary. (Annals of Congress, 9th Cong., 2d sess., p. 246.)

On January 23, 1807, the committee reported a bill which was read twice and debated on February 16. The Annals of Congress give no report of this debate. The consideration of the bill was resumed on February 20.

Mr. Lyon, Representative from Kentucky, opposed the provision that land warrants granted to the explorers might be received at the land office at the rate of $2 an acre.

Representatives Tallmadge, of Connecticut; Joseph Clay, of Pennsylvania; Ely, Quincy, and Cook, of Massachusetts; and D. R. Williams, of South Carolina, supported the position taken by Mr. Lyon. It was contended that double pay was a liberal compensation and that this grant was extravagant beyond all precedent. It was equivalent to taxing more than $60,000 out of the Treasury, and might be perhaps three or four times that sum, as the guaranties might go over all the western country and locate their warrants on the best land, in 160-acre lots.

A motion to recommit the bill carried with 66 ayes "after considerable debate." The bill was read and passed on February 28, 1807.

The Senate received the bill the same day, reported it on March 2, and passed on it March 3. (Annals of Congress, 9th Cong., 2d sess., pp. 96, 98, 383, 501, 591, 658, 659.)

The act of March 3, 1807, authorized the Secretary of War to issue land warrants to Lewis and Clark for 1,600 acres each, and to each of their associates 320 acres. The land warrants might be located on any public lands of the United States west of the Mississippi or be receivable at the rate of $2 an acre in payment for public lands. The Secretary of War was authorized to double the pay of Lewis and Clark and their associates during the time they served on the expedition to the Pacific Ocean. The bill appropriated $11,000 for that purpose. (Annals of Congress, 9th Cong., 2d sess., p. 1278. [Rita Dielmann, March 26, 1928.])

A statement of the objections in Congress to an act entitled: "An act to create the office of surveyor-general of the public lands in Oregon, and to provide for the survey, and to make donations to settlers of the said public lands." September 27, 1850. (9 U. S. Stat. 496.)

The debate shows that there were two principal objections to the bill:

1. As to persons—

Objection to the discrimination against American settlers already in Oregon in favor of new settlers;

Discrimination against Americans in favor of emigrants;

Objection to granting land to half-breed Indians on more favorable terms than to white American citizens.

2. As to lands—

Favoritism to Oregon over other States and Territories of the United States, giving the bill the nature of special legislation.

Too rapid exhaustion of the public lands.

Objection to the use of public lands for military reservations.

1. As to persons—

Mr. Hubbard, Representative from Alabama, objected to "giving away lands in large tracts without any price to Indian half-breeds when Congress had refused to sell public lands to the worthiest citizens unless they paid more than double its value." (Congressional Globe, 31st Cong., 1st sess., p. 1093, May 28, 1850.)

Senator Dawson, of Georgia, raised objection to the provision of the bill permitting emigrants to take land in Oregon on declaration of intention to become citizens. "* * * the information will go all over the continent of Europe. Foreigners will throw themselves into your country, and as soon as they land make a declaration of intention to become citizens. Before the three years expire the whole of your immense lands will be gone. They will turn loose their whole population, and especially their pauper population." [They have rendered no service to the country, paid no taxes, sacrificed nothing, and scarcely a dollar will be returned to the Treasury. American citizens must pay for purchasing land for the benefit of foreigners. The States of the Union pay a great proportion of the expenses and receive none of the benefits of the public lands.] (Congressional Globe, 31st Cong., 1st sess., p. 1845, September 17, 1850.)

Senator Underwood also opposed granting lands "to quasi citizens, who may emigrate from the Old World and settle in this and make their declaration to become citizens.

"Now, I am not willing to give that bounty to those who hereafter may come to the country. I am willing to let those who are now in the country have the benefit [of a grant] because of the difficulties they have had in getting there and in settling themselves in a wild country; but to hold out a bounty in behalf of those who may come to the country from Europe in preference to our own citizens, giving them equal advantages, and thus opening the doors of the poorhouses of all Europe to flood us with their paupers, is a proposition that I can not agree to. It offers too strong an inducement for foreign corporations to provide the means of emigration for these people who are to receive a bounty when they come here." (Congressional Globe, 31st Cong., 1st sess., p. 1846, September 17, 1850.)

2. As to lands—

Mr. Cobb, Representative from Alabama, in opposing the bill argued that the public lands were being disposed of too rapidly. They would be exhausted. He opposed a grant larger than 160 acres. (Congressional Globe, 31st Cong., 1st sess., p. 1094, May 28, 1850.)

Senator Yulee, of Florida, opposed the bill on the grounds of special privilege to Oregon:

"This bill proposes a gratuity of half a section of land to every person who will go to live in Oregon. This introduces an entirely new policy. It offers a stimulus to the settlement of a particular Territory which was not allowed to any other Territory of this Union, and has not been allowed to any State of this Republic at any time. Heretofore the highest benefit that we have allowed to any settler has been to give him a preemption—a first right to purchase at the Government price of a dollar and a quarter the land upon which he settles in the new State or Territory, and even that was limited to a quarter section. This bill proposes to give half a section to every one who will go to Oregon to settle there. Now, if this section is to remain in the bill, I shall certainly expect, as a matter of fairness and in order that other Territories and States where there are public lands may be placed upon the same footing as Oregon, that the same inducement to settle in these States and Territories shall be held out. Otherwise, nothing can be more unfair than that all the migration should be directed to Oregon, and that the other States and Territories should be left without any such stimulus to their population.

"* * * As a matter of policy, it seems to me that this provision is a very unfair one. I submit to the Senate whether there is any reason—whether it is a wise policy to stimulate migration to the other side of the Rocky Mountains? It is to be apprehended that the migration has been much beyond what the natural inducements of the country would justify, thus far, and I learn that a very large number of the emigrants are anxious now to return, and will return during the fall, if they can possibly obtain the means to return to this side of the Rocky Mountains. * * *

"We know that the emigration overland already this year is stated to be near 50,000, and that 10,000 of those persons are said to be settlers of Oregon. There are attractions enough, either imaginary or real, to draw to that country all the surplus population that can be spared from the Atlantic States.

"I ask whether it is a wise policy to hold out inducements to the people of the Atlantic States to transfer themselves to the Pacific in greater numbers than the natural attractions of the country there would induce? We have the Territory of Minnesota and other new Territories nearer to the Atlantic States and which would keep our population more compact, but for the settlement of which no inducements are held out by legislation. And when we consider the fact that the migration to the Pacific Territories far surpasses, without other than natural inducements, the migration which has ever taken place to any other Territory of the United States and is altogether unsurpassed and unprecedented, I can conceive of no propriety or wisdom in a policy which would induce us to stimulate still further that transfer of our population to the Pacific by offering inducements which have never been offered heretofore for the settlement of any new Territory."

[The bill does not provide for similar grants in California and Nevada, and no such provision has been made concerning the public lands of any other Territory.] "I object to this special legislation * * * ; if it is desirable to stimulate the settlement of public lands in the new Territories, let it be done by a general bill, which will open them for settlement everywhere." (Congressional Globe, 31st Cong., 1st sess., pp. 1841–1842, September 17, 1850.)

Senator Bell opposed the bill because Oregon already offers "greater inducements to settlers than any other portion of our unsettled domain. The riches to be found in the immense forests accessible to navigation and exportation from the ports of Oregon, and the immense demand for lumber now existing in California and which must continue to exist there while perhaps this Government stands; this alone will form a most attractive inducement to any enterprising and honest man who may desire to better his fortunes. That is not all. They have perhaps a population of one hundred and fifty or two hundred thousand in California, not the one-hundredth part of whom subsist by the cultivation of the soil but who depend on the adjacent countries for their continual subsistence. * * * The flour, I understand, which now supplies California is drawn from the coast of Chile, and if I am not misinformed in regard to Oregon it is most productive in wheat. * * * Thus there is no portion of the country that is at this moment better situated or offering higher inducements to emigrants than the Territory of Oregon. * * * Let us not adopt this general policy of stimulating settlements by the giving away of our richest and most valuable lands." (Congressional Globe, 31st Cong., 1st sess., p. 1842, September 17, 1850.)

Senator Walker from Wisconsin:

"* * * it seems to me that the arguments [in favor of the bill] refer merely to the present moment, and the selfish interests of those who exist at the present day * * * I say to those gentlemen that the time will come when people will go to Oregon without this bounty, and when they get there, mark my words, they will not thank Senators for having given these lands in whole sections to the individuals who have gone there before them. Then, sir, those who go there seeking for a home will look back on this legislation with disapprobation and regret. Sir, if you desire to legislate for the permanent interests of Oregon and for the permanent interests of the whole country, do not adopt the policy of granting this land in large amounts to individuals; but on the contrary, let the grants be as small as the ultimate interests of the country will demand; so that, when the population becomes heavy and dense, the lands of the country shall be as equally distributed as the then present and the now future interests of the country may require." (Congressional Globe, 31st Cong., 1st sess., p. 1843. September 17, 1850.)

Senator Atchison:

"I think the giving of donations of land now, for the purpose of inducing further settlements in that Territory, will fail to secure the object. It is a well-known fact that a common laborer in the Territory of Oregon gets at this time higher wages than anywhere else, except it be in California. A field hand gets $4 a day, and the commonest mechanic gets $8 a day, and everything in that Territory bears a proportion to that. Then there is no necessity to hold out any inducement to new settlers, in the shape of land, in order to lead them to Oregon." (Congressional Globe, 31st Cong., 1st sess., p. 1847. September 17, 1850.)

Senator Douglas from Illinois opposed exempting lands to be set aside as military reservations from the provisions of the act. He wished to make the act apply only to lands not occupied, cultivated, and improved prior to the passage of the act. He stated that the Secretary of War had authorized the Delegate from Oregon to assure the people that their farms and improvements would never be taken for military purposes. He argued that military reservations were often too large and prevented the settlement of the country. In closing he said, "I dread to run the risk of giving to a military officer the right to oust these settlers."

Mr. Downs followed similar argument. (Congressional Globe, 31st Cong., 1st sess., pp. 1739–1742, September 3, 1850.)

OBJECTION TO THE HOMESTEAD ACT AS REVEALED IN THE DEBATES IN CONGRESS

(NOTE.—A homestead bill was introduced in the House of Representatives on March 27, 1846, by Andrew Johnson, of Tennessee. The subject was before Congress repeatedly from that time to the final passage of the bill in 1862. The Thirty-sixth Congress passed an act which was vetoed by President Buchanan on June 22, 1860. The homestead bill became a law on May 20, 1862.)

The objections to the bill are:

I. CONGRESS HAS NO CONSTITUTIONAL POWER TO DISTRIBUTE PUBLIC LANDS

They are the property of the people of the United States in their capacity as a corporation * * * Congress exercises delegated power, and has no right to dispose of any part of the public domain or public property except according to the powers delegated. (Senator Dawson, of Georgia, Congressional Globe, 31st Cong., 1st sess., January 30, 1850, p. 265.)

I wish to ask the friends of this bill, who are calling it a people's bill, whether they do really design to give these lands to the people, or whether they design to take away that which belongs to the whole and confine their beneficence exclusively to a part, to the express exclusion of the rest? (Mr. Averett, from Virginia, Congressional Globe, 31st Cong., 2d sess., January 23, 1851, and May 10, 1852, pp. 313 and and 1312.)

Mr. Fuller, Representative from Maine, objected to the bill as illegal, unjust, and partial in its provisions, and if he were before a tribunal differently constituted he would move to dismiss the bill. He denied the right of partition. He denied that this Government held the public domain by such tenure as was susceptible of such partition. He asked by what right a certain specified class of persons, aliens, foreigners, or American citizens of limited age, of particular condition in domestic and pecuniary affairs, should here come and ask this Government gratuitously to assign them any portion of the public domain, the common property of the people of the United States, to the exclusion of a much greater portion, having equal rights and equal privileges?

If there was any subject of legislation on which the American people were more tenacious than another, it was against any principle of legislation which made an invidious distinction in the bestowment of governmental favors, pensions, and patronage.

He was opposed to the schemes now pending before Congress, by which to rid the General Government in the shortest possible time of the public domain. (Congressional Globe, 32d Cong., 1st sess., March 30, 1852, p. 926.)

Mr. Averett of Virginia:

I rise as one of the Representatives of the rural districts of these United States, claiming an equality of right in the public domain, as the property of all; to enter my solemn protest against any measure, no matter under what pretense it comes before us, that tends to give to any class in this community, rich or poor, an exclusive right in that public domain. (Congressional Globe, 32d Cong., 1st sess., April 18, 1852, pp. 1018, 1020.)

The clause of the Constitution which conferred upon Congress the power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States, did not confer unlimited power in regard to the disposition of public domain. (Mr. Millson of Virginia, Congressional Globe, 32d Cong., 1st sess., April 29, 1852, p. 1208; Mr. Beale of Virginia, Congressional Globe, 32d Cong., 1st sess., May 6, 1852, p. 1277.)

Congress has no more right to give away public property for charity than to establish charitable institutions in any State. (Mr. Howard of Texas, Congressional Globe, 32d Cong., 1st sess., May 6 and 10, 1852, pp. 1279 and 1315; Mr. Clark of Iowa, Congressional Globe, 32d Cong., 1st sess., May 6, 1852, p. 1282.)

The clause which gives Congress power to dispose of and make needful rules and regulations respecting the territory of the United States applied to the territory ceded to the United States by the old States. The United States held that territory under solemn compact that it should be appropriated to defray the expenses of this Government and for no other purpose whatsoever. (Mr. Averett, of Virginia, Congressional Globe, 32d Cong., 1st sess., May 10, 1852, p. 1312; Mr. Millson, of Virginia, Congressional Globe, 32d Cong., 1st sess., April 28, 1852, Appendix, 524; Mr. Dent, of Georgia, Congressional Globe, 33d Cong., 1st sess., February 21, 1854, p. 459; Mr. Smith, of Virginia, Congressional Globe, 33d Cong., 1st sess., February 21, 1854, p. 461.)

The bill is directly at war with the constitutional principles I have been accustomed to hold sacred. I had supposed that the regulation of the social relations of the citizen were left by the Federal Constitution to the States and that of commerce and foreign affairs to the General Government. I had supposed that, for the protection of the family hearth, the regulation of the household duties, and the descent and transfer of property we were to look to the States and not to the Federal Government. * * * The effect of the bill will be to bring the General Government to bear directly upon the people of the States, making itself deeply and sensibly felt in all the relations of life, while the State law, in its peculiar province, will be inoperative. Against such annihilation of State influence I earnestly protest. (Mr. Perkins, of Louisiana, Congressional Globe, 33d Cong., 1st sess., March 6, 1854, p. 544.)

When the public lands were ceded by those States which had claims to them, they were supposed to be a great national estate, to be administered justly, prudently, and wisely by the Federal Government, with a view to the benefit of all the States of the Union; and in this view it was necessary that we should establish some system under which they should be sold. (Senator Pearce, of Maryland, Congressional Globe, 33d Cong., 1st sess., July 17, 1854, p. 1771.)

Public lands ceded by the States to the Government are held by compact between the States and the Government. These public lands can not be given away. (Senator Toombs, of Georgia, Congressional Globe, 33d Cong., 1st sess., July 19, 1854, p. 1816.)

The States ceded their lands as property that should be used as a fund for the common benefit of all the States in proportion to the charges upon these States. (Senator Mason, of Virginia, Congressional Globe, 33d Cong., 1st sess., July 19, 1854, p. 1817.)

This Government has no right to tax the people and buy land, and divide that land, and give it away to the worthless. The Government has the right to acquire property, and when that territory has been acquired it has the right to devise the means of disposing of it under the Constitution of the United States. * * * disposing of the public land for the public benefit requires it to be sold at such rates as we believe to be promotive of the public interests; but as a homestead, as a gift, is contrary to the power of the Government * * * if you pass this bill which ties up the public lands for five years, and which authorizes the principle which will enable you to tie them up forever, State rights are destroyed. (Senator Green, of Missouri, Congressional Globe, 36th Cong., 1st sess., May 9, 1860, p. 1994–1995.)

II. THE BILL MAKES AN UNFAIR DISTINCTION BETWEEN CLASSES OF CITIZENS

I do not regard those persons who have no property—nothing to keep them at home—as the most meritorious class of the community. I have a great many constituents, honest, industrious men, who will not find it practicable to leave their homes and emigrate to the West. Yet these men pay taxes and contribute to the support of the Government. (Senator Clingman, of North Carolina, Congressional Globe, 32d Cong., 1st sess., May 6, 1852, p. 1281; Mr. Clark, of Iowa, Congressional Globe, 32d Cong., 1st sess., May 6, 1852, p. 1282.)

It is not just to give land free to persons who have risked nothing for winning the lands, when the soldiers who served in the war are selling their land warrants at $20 to $23 each. (Mr. McNair, of Pennsylvania, Congressional Globe, 32d Cong., 1st sess., May 10, 1852, p. 1313; Mr. Smith, of Virginia, Congressional Globe, 33d Cong., 1st sess., February 21, 1854, p. 461; Mr. Colquitt, of Georgia, Congressional Globe, 33d Cong., 1st sess., March 2, 1854, p. 523.)

I am opposed to the principle of this bill which, disguise it as you may, is at last but taxing one portion of the people for the benefit of another; taking money out of the pockets of a portion of the people and placing it in the pockets of others by legislation. (Senator Adams, of Mississippi, Congressional Globe, 33d Cong., 1st sess., April 19, 1854, p. 944; Senator Clingman, of North Carolina, Congressional Globe, 35th Cong., 1st sess., May 22, 1858, pp. 2304, 2306.)

I say, decidedly, that the whole system of giving away the public land in my day has been unjust in every respect. There has been no justice; there has been no equality; there has been no good sense; there has been no fairness in the system.

The truth is that a man who can not sustain himself is a drone; he is not worthy of protection. Measures like this, that give your lands away, will destroy enterprise in that class to whom you give them. It will make them drones in the common hive. (Senator Hayne, of South Carolina, Congressional Globe, 35th Cong., 1st sess., May 22, 1858, p. 2304; Mr. Reid, Congressional Globe, 35th Cong., 1st sess., May 22, 1858, p. 2306; Senator Crittenden, of Kentucky, Congressional Globe, 35th Cong., 1st sess., May 22, 1858, p. 2307.)

Mechanics do not want to abandon their business and turn landowners. (Senator Clingman, of North Carolina, Congressional Globe, 36th Cong., 1st sess., p. 1294, March 22, 1860.)

I am not willing to pass a bill here which excludes every slaveholder from moving into a Territory; because no man who owns a negro is going to move on 160 acres. We have no pauper population in the South. Those who do not own slaves own land, or are respectable, industrious mechanics, attached to their homes and the institutions of their particular section. They are not going to move off. The only effect of the bill is to fill that country with paupers. We are under no obligation to provide for your paupers. We are under no obligation to provide for the pauperism of Europe. (Senator Wigfall of Texas, Congressional Globe, 36th Cong., 1st sess., April 4, 1860, p. 1539.)

The necessary effect of the law would be to transplant, by the allurements of land gratuities at the public expense, people from the nonslaveholding States to preoccupy these lands in the Territory to the exclusion of those from the slaveholding States; and I believe that if the policy should be adopted it would be followed up on the part of the people of the free States by bringing to the aid of the law emigrant-aid societies to force out that sort of population. (Senator Mason, of Virginia, Congressional Globe, 36th Cong., 1st sess., April 11, 1860, p. 1656.)

The bill is unfair to those who settled without such inducements and cleared the wilderness and bore the hardships of pioneer life. It gives those who come after an advantage over those who went before. The pioneers are ignored and those who settle now, who can come by means of railroads, are given free grants.

It is unfair to the soldiers who fought against Mexico. (Senator Rice, of Minnesota, Congressional Globe, 36th Cong., 1st sess., May 10, 1860, p. 2032.)

III. THE GRANT OF LAND TO SETTLERS GIVES THE IMMIGRANT FROM EUROPE A PREFERENCE OVER AMERICAN CITIZENS

"* * * when the foreigner goes to any State where those public lands lie and takes his land he is to have it free from all charge, whereas the native American has to pay." (Senator Douglas, of Illinois, Congressional Globe, 31st Cong., 1st sess., January 30, 1850, p. 264.)

You offer an insult to every soldier who holds a land warrant given him as a reward for serving his country when, by this bill, you give 160 acres of land to the foreign pauper for nothing but simply because he has none. (Mr. Averett, of Virginia, Congressional Globe, 32d Cong., 1st sess., April 1, 1852, p. 1018.)

I think we have already sufficient inducements for emigration to this country, as they are now flocking here from various parts of Europe; and if you shall hold out this further inducement, we shall be overflooded with a population from Europe. (Mr. Moore, of Pennsylvania, Congressional Globe, 32d Cong., 1st sess., May 10, 1852, p. 1318; Mr. Dent, of Georgia, Congressional Globe, 33d Cong., 1st sess., February 21, 1854, p. 459.)

This bill will not benefit the poor classes; it will not benefit the old States; it will benefit the new States but little. It will benefit Europe most and the population which will come thence upon us. They are the men who will settle upon these lands. (Mr. Dowell, of Alabama, Congressional Globe, 33d Cong., 1st sess., March 2, 1854, p. 527; Senator Clayton, of Delaware, Congressional Globe, 33d Cong., 1st sess., July 10, 1854, pp. 1663–1664.)

Senator Adams, of Mississippi, objected to taxing the native born and adopted citizens of this country for the benefit of foreigners. He opposed granting land to those who had no participation in the acquisition of the territory, who had paid no taxes, who had not defended the country, and had no interest in the Government. (Congressional Globe, 33d Cong., 1st sess., April 19 and July 12, 1854, pp. 944, 1702.)

The deserters from your battle fields and the men who fought against those who won your territories might come and take possession of your lands, to the exclusion of those who were more worthy. (Senator Butler, of South Carolina, Congressional Globe, 33d Cong., 1st sess., July 12, 1854, p. 1703.)

This Government, after having for more than 40 years sold to her own children, native American citizens, the public lands at a fixed price, now proposes to give lands free of charge to all, including foreigners. Americans purchased lands, endured the hardships, and made improvements which enhance the value of adjacent lands. Now, this bill proposes to invite foreigners to come and settle free of

charge upon those lands. You propose by this policy to introduce foreigners and allow them to enjoy for a period of five years all the privileges of society and protection of citizenship, without contributing one cent toward the support of the Government in the way of taxation while the lands of the native American citizens lying within the State are being taxed. (Senator Clay, of Alabama, Congressional Globe, July 12, 1854, 33d Cong., 1st sess., p. 1704.)

The bill will only increase native Americanism. * * * If we are to convert this Government into a charity asylum, let us lavish its bounty upon citizens rather than foreigners. (Senator Clay, of Alabama, Congressional Globe, 33d Cong., 1st sess., July 12, 1854, pp. 1705–1706.)

IV. THE BILL OFFERS THE WRONG KIND OF INDUCEMENTS TO EUROPEAN SETTLERS

The granting of public lands is a premium to the patriots of Europe; it is a great national charity for Europeans who have neither sacrificed their lives for its protection, nor paid taxes for its purchase; it is an inducement for those who resist oppression in Europe to cease their struggle and settle down in America. (Senator Dawson, of Georgia, Congressional Globe, 31st Cong., 1st sess., January 30, 1850, pp. 264–265.)

It is well known that in Europe a man having 160 acres of land is regarded as a large proprietor; and if the news goes forth to Europe, and to Asia, and to all parts of the world that in this country we give 160 acres of the public domain to American citizens, to naturalized foreigners, and to those who may come here and be naturalized, they will instantly bridge the Atlantic and Pacific, and in 10 years your public domain will be swallowed up by those who, I fear, may some day change our laws, our institutions and even, perhaps, our religion. (Mr. Etheridge, of Tennessee, Congressional Globe, 33d Cong., 1st sess., March 3, 1854, p. 534.)

While I would not interpose any obstacles to the wilderness being settled up, I do not sympathize with the policy that seeks to settle it up too quickly by inviting emigration. I look with despair upon the day when the vast wilderness will be settled up, for depend upon it that with that day comes the end of the Republic, and anarchy and chaos. (Mr. Boyce, Congressional Globe, 33d Cong., 1st sess., March 3, 1854, p. 536.)

This bill offers a bonus to those men in Europe who are unwilling to remain there under the hazards of the approaching war to emigrate to this country. It tells those men who, because they do not wish to stand by their king and country, if you will flee to the United States we will set you up with a nice little farm of 160 acres. (Senator Thompson, of Kentucky, Congressional Globe, 33d Cong., 1st sess., April 19, 1854, p. 946.)

VI. THE HOMESTEAD LAW WOULD CAUSE TOO RAPID EXPANSION

The effect of the bill would be to depopulate the old States. If the old States do not lose their population, then, of course, our people can get no benefit from the bill at all. If no man would leave the old States for the purpose of availing himself of the opportunity of locating the quarter section of land which the bill allows him, then the benefit of its provisions is confined exclusively to the new States. But, if our citizens do leave us to avail themselves of these privileges, then we are sufferers, both in the loss of our people and in the loss of the land, which is the common property of all States. (Mr. Millson, of Virginia, Congressional Globe, 33d Cong., 1st sess., March 2, 1854, p. 526; Mr. Simmons, Congressional Globe, 33d Cong., 1st sess., March 2, 1854, p. 521.)

By this bill you propose to give 160 acres of land, provided it is occupied and cultivated. It is not possible for a poor man to cultivate 160 acres of land. Instead of peopling the West, over which is rolling the great tide of civilization, you are providing against its settlement. You dot it over with individuals, one to every 160 acres. The really poor man will stand upon his land for five years without the means to cultivate it. (Mr. Perkins, of Louisiana, Congressional Globe, 33d Cong., 1st sess., March 6, 1854, p. 544; Mr. Crittenden, Congressional Globe, 35th Cong., 1st sess., May 22, 1858, p. 2308.)

Instead of this land empire being a gradual outlet and receptacle for our increasing population, under a law of gradual progress which human legislation can not control, migration would be unnaturally stimulated, by holding out incentives for a rush and scattering of population over an immense surface, followed by a recoil, and all its disastrous consequences. An immigration, forced on under such circumstances, will disarrange the progress of the public surveys which heretofore has always been accommodated to the existing actual necessities of settlers, and will likewise, for the same reason, enormously increase governmental expenses for the protection of far-off pioneers. (Senator Johnson, of Arkansas, Congressional Globe, 36th Cong., 1st sess., May 10, 1860, p. 2036.)

VII. TO GIVE AWAY PUBLIC LANDS IS A WILD SCHEME OF SOCIALISM

Next year the manufacturers, the mechanics, and artisans will come to us and say, "You have given away the public lands in which we were jointly interested; we do not understand farming; as you have given away our property, now make us equal by giving us money with which to buy bread, fuel, and raiment." (Mr. Howard, of Texas, Congressional Globe, 32d Cong., 1st sess., May 6, 1852, p. 1279.)

Disguise it as you will, it is the commencement of a division of the property and the making of all equal. (Senator Adams, of Mississippi, Congressional Globe, 33d Cong., 1st sess., July 12, 1854, p. 1702; Senator Mason, of Virginia, Congressional Globe, 33d Cong., 1st sess., July 19, 1854, pp. 1814, 1817.)

This is an agrarian system which would enable a central power to tax the whole people—the industrious, the energetic, the active, those who work and those who save—to give to the low, the worthless spendthrifts who never made a dollar, who will never save a dollar, but scatter all you give them. (Senator Green, of Missouri, Congressional Globe, 36th Cong., 1st sess., May 9, 1860, p. 1992.)

VIII. THE PUBLIC LANDS CAN NOT BE GIVEN AWAY, BECAUSE THEY ARE PLEDGED AS SECURITY FOR THE PUBLIC DEBT

Senator Badger. (Congressional Globe, 31st Cong., 1st sess., January 30, 1850, p. 264.)

Mr. Beale, of Virginia. (Congressional Globe, 32d Cong., 1st sess., May 6, 1852, p. 1277.)

Senator Thompson, of Kentucky. (Congressional Globe, 33d Cong., 1st sess., April 19, 1854, p. 946.)

Mr. Morrell, of Vermont. (Congressional Globe, 37th Cong., 2d sess., December 18, 1861, p. 136.)

After the war began the question of credit was an urgent one. Senator Crittenden urged holding the public lands as the best means of maintaining the credit of the United States. (Congressional Globe, 37th Cong., 2d sess., p. 138.)

I do not think it wise, when we rely upon loans for the means to defray the expenses of the Government, that we should dispose of any of the available property of the Government out of which means could be had to enable us to repay those loans. To the extent that the Treasury would be replenished by the receipts arising from the sales of the public lands, the taxes upon the people will have to be increased if we give away the lands and dispose of them without adequate consideration. (Senator Carlisle, of Virginia, Congressional Globe, 37th Cong., 2d sess., May 2, 1862, p. 1916.)

IX. THE PRICE OF LAND WILL BE DIMINISHED

Mr. Averett, of Virginia. (Congressional Globe, 32d Cong., 1st sess., May 10, 1852, p. 1320.)

The Government holds double the quantity of land held by all her citizens; when she makes the public domain free as air to foreigners, as well as citizens, private lands must be depressed in value. It will injure the landholders not merely by depressing the price of their land but by cheapening all its products. You will lower the profits of agriculture and injure the agricultural class, which you affect to benefit. (Senator Clay, of Alabama, Congressional Globe, 33d Cong., 1st sess., July 12, 1854, p. 1705.)

X. THE POLICY OF GIVING AWAY PUBLIC LANDS IS A SECTIONAL ONE TENDING TO DISUNION

Senator Dawson, from Georgia. (Congressional Globe, 31st Cong., 1st sess., January 30, 1850, p. 265.)

I look upon this bill as the most agrarian measure that has been offered since I have been in Congress. It bears upon its face, to my mind, indications, I will not say of the approaching dissolution of this Government, but it looks as if the American representatives of States had come at last to consider that this great and glorious partnership of ours, which has stood so long and which has been the admiration of the world, is hereafter to be a partnership without effects and assets; how long it shall endure when there is no longer a single link of common interest to bind the States, I know not. (Senator Clayton, of Delaware, Congressional Globe, 33d Cong., 1st sess., July 10, 1854, p. 1665.)

A person who is a citizen of an old State may acquire land free of charge only by becoming a citizen of a new State. This is, therefore, one enactment in favor not of the people of the United States but for the citizens exclusively of the States within which the lands lie. Although the people from every section of the country may go to obtain the benefits of these provisions, it is not as the citizens of their States that they are entitled to get the lands, but when they take them they must cease to be citizens of their State and must become citizens of the State in which the land lies. (Senator Pratt, Congressional Globe, 33d Cong., 1st sess., July 20, 1854, Appendix, p. 1104.)

The nonslaveholders of the South, ninety-nine times out of a hundred, are landholders. This bill is not intended to provide for them. * * * The effect of the bill is to free-soil the territory of the country. * * * It may be coming to that complexion; I know not; but I shall not, by any vote of mine, hasten the catastrophe. (Senator Wigfall, of Texas, Congressional Globe, 36th Cong., 1st sess., April 4, 1860, p. 1536; Senator Green, Congressional Globe, 36th Cong., 1st sess., April 5, 1860, p. 1556; Senator Crittenden, of Kentucky, Congressional Globe, 36th Cong., 1st sess., April 19, 1860, p. 1798.)

XI. THE HOMESTEADERS WOULD BECOME TENANTS OF THE GOVERNMENT FOR FIVE YEARS

I am opposed to tenure by bounty. It is a new tenure. I may designate it a tenure by bounty upon the public lands within one of the sovereign States. Anyone who settles upon the public lands, under such a tenure, has not a responsibility to the State in which he lives,

equal to the responsibility of other citizens. You make him a Federal tenant. (Senator Butler, Congressional Globe, 33d Cong., 1st sess., July 19, 1854, p. 1812.)

XII. THE RESULT OF THE HOMESTEAD ACT WILL BE TO THROW THE PUBLIC DOMAIN INTO THE HANDS OF A FEW MONOPOLISTS, AND TO PLACE IT BEYOND THE REACH OF THE HONEST CULTIVATOR

Whenever property is given away the possessor esteems it at little value and is willing to transfer it for a very moderate compensation. (Mr. Howard, of Texas, Congressional Globe, 32d Cong., 1st sess., May 6, 1852, p. 1279; Senator Walker, Congressional Globe, 33d Cong., 1st sess., July 14, 1854, p. 1747.)

XIII. WHEN THE SALE OF PUBLIC LANDS DOES NOT YIELD REVENUE FOR THE EXPENSES OF GOVERNMENT, THE QUESTION OF RAISING THE TARIFF WILL COME UP

Senator Dawson, of Georgia. (31st Cong., 1st sess., Congressional Globe, January 30, 1850, p. 265.)

In this bill Congress sets up as a friend of the poor and at the same time lays a duty and tax upon everything that men, women, or children eat, drink, and enjoy, at the rate of 30 cents in the dollar and charge 7½ cents for collecting that tax. (Mr. Averett, of Virginia, Congressional Globe, 32d Cong., 1st sess., April 8, 1852, p. 1020; Mr. Beale, of Virginia, Congressional Globe, 32d Cong., 1st sess., May 6, 1852, p. 1277; Mr. Clingman, Congressional Globe, 35th Cong., 1st sess., May 22, 1858, p. 2304; Senator Wigfall, of Texas, Congressional Globe, 36th Cong., 1st sess., April 4, 1860, p. 1538.)

In addition to the data assembled by Miss Dielmann I desire to insert in the RECORD extracts concerning the homestead law from History of the People of the United States, by McMaster:

HISTORY OF THE PEOPLE OF THE UNITED STATES—M'MASTER

(Vol. VIII, p. 108)

In the House Andrew Johnson, of Tennessee, became the champion of the landless, introduced a homestead bill, and strove manfully in its behalf, till in the spring of 1852, when Congressmen were soon to be nominated, 70 Members of the House, fearing the consequences of opposition, absented themselves, and the bill passed. Then went up from some of the old States a cry of opposition. It would draw population from them, leave them to pay the debt incurred in acquiring the public domain, depreciate the value of their lands, for who would buy a farm in North Carolina when he could get one for nothing in Alabama or Missouri, and would tempt the scum of society of the Old World to come and squat on our public domain and scatter seeds of political pestilence on the frontier—and in a little while the agrarian laws of Rome would be reenacted in America. This wholesale robbery of the old States for the benefit of the new should be denounced by every honest man the land over. Will not the good sense of the Senate strangle this political monstrosity?

Besides the injury done to the old States by depriving them of their property in the public lands and draining off their population, the agrarian character of the bill is most objectionable. It is the most flagrant act of depredation on the public domain yet attempted by demagogues. Property and usefulness are the fruits of industry and self-dependence, not of Government bounties and land plundering. There is no way of demoralizing any class more certainly than by means of gratuities. Undoubtedly many citizens would rather have a farm given them than buy it. But they are greatly mistaken if they think they are the people of the United States. The people approve not of such agrarian and Utopian schemes. Congress has no power to dispose of the public land save for national purposes. If it may donate land to the landless, it may give money to the poverty-stricken and take the value of 160 acres out of the Treasury and bestow it on each individual of the favored class. Instead of giving land to the homeless, the bill will unsettle the homes of many honest persons who have bought their farms with hard earnings by bringing them into competition with other farms received as an alms by men too indolent and improvident to acquire them as others have.

Also extracts from the message of President Buchanan, June 22, 1860, vetoing the homestead law. President Lincoln took a different position and signed the homestead law in 1862.

[Extracts from the veto message of President Buchanan, June 22, 1860]

I return, with my objections, to the Senate, in which it originated, the bill entitled "An act to secure homesteads to actual settlers on the public domain, and for other purposes," presented to me on the 20th instant.

* * * * * * *

IV. This bill will prove unequal and unjust in its operation, because, from its nature, it is confined to one class of our people. It is a boon expressly conferred upon the cultivators of the soil. While it is cheerfully admitted that these are the most numerous and useful class of our fellow citizens and eminently deserve all the advantages which our laws have already extended to them, yet there should be no new legislation which would operate to the injury or embarrassment of the large body of respectable artisans and laborers. The mechanic who emigrates to the West and pursues his calling must labor long before he can purchase a quarter section of land, while the tiller of the soil who accompanies him obtains a farm at once by the bounty of the Government. The numerous body of mechanics in our large cities can not, even by emigrating to the West, take advantage of the provisions of this bill without entering upon a new occupation for which their habits of life have rendered them unfit.

* * * * * * *

That land of promise presents in itself sufficient allurements to our young and enterprising citizens, without any adventitious aid. The offer of free farms would probably have a powerful effect in encouraging emigration, especially from States like Illinois, Tennessee, and Kentucky, to the west of the Mississippi, and could not fail to reduce the price of property within their limits. An individual in States thus situated would not pay its fair value for land when, by crossing the Mississippi, he could go upon the public lands and obtain a farm almost without money and without price.

* * * * * * *

The people of the United States have advanced with steady but rapid strides to their present condition of power and prosperity. They have been guided in their progress by the fixed principle of protecting the equal rights of all, whether they be rich or poor. No agrarian sentiment has ever prevailed among them. The honest poor man, by frugality and industry, can, in any part of our country, acquire a competence for himself and his family, and in doing this he feels that he eats the bread of independence. He desires no charity, either from the Government or from his neighbors. This bill, which proposes to give him land at an almost nominal price, out of the property of the Government, will go far to demoralize the people and repress this noble spirit of independence. It may introduce among us those pernicious social theories which have proved so disastrous in other countries.

Mr. FENN. Mr. Chairman, I yield 25 minutes to the gentleman from New York [Mr. JACOBSTEIN].

The CHAIRMAN. The gentleman from New York is recognized for 25 minutes.

Mr. JACOBSTEIN. Mr. Chairman and members of the committee, I do not think we get anywhere by rehashing the legislative history of 1921 and calling each other names. Nothing is gained by impugning the motives of each other. As I was not a Member of the House in 1921, I can not be charged with having had any selfish motive in any particular position I may have taken on the census bill, or the reapportionment bill, since that time.

Moreover, in view of the fact that my own State—New York—stands a good chance of losing one Member in a reapportionment based on a membership of 435, it surely can not be said that I have any private motive in favoring the passage of this bill.

Furthermore, the passage of this bill is likely to affect the party to which I belong disadvantageously; and from this standpoint, too, it can frankly be said that my interest is purely nonpartisan. I am for this bill, because it provides a solution to a difficult situation which may confront us in 1930. For without it we are liable to get a repetition or recurrence in an aggravated form of the very situation which has been described in the debate here this afternoon.

I am willing to subscribe to everything that has been said by the gentleman from Michigan, by the gentleman from California, by the gentleman from Mississippi, and the gentleman from Missouri, so far as the deadlock is concerned.

Now, what is the deadlock? Why, gentlemen, many of the gentlemen who voted to recommit the bill in 1921 wanted reapportionment. Is not that so? Michigan, California, and other States wanted reapportionment, because they realized they were entitled to more membership in the House. But what was the situation? Because they opposed increasing the size of the House, because they wanted to confine the House to 435 Members, they were put in a position where they voted against reapportionment.

Is there anything that is going to happen between now and 1930 to change that dilemma? On the contrary, the situation will become more aggravated, because while in 1921 it would have taken only 483 Members to have satisfied every State in the Union, in 1930 it is going to take 535 Members.

Mr. RANKIN. Will the gentleman yield?

Mr. JACOBSTEIN. If the gentleman from Mississippi will pardon me, I am going to take about 15 minutes in explaining my views on the bill. Then I shall be glad to yield for questions which will help elucidate the bill, and I will be glad to yield first to the gentleman from Mississippi.

Mr. RANKIN. I was just going to say that the gentleman has said those who voted to recommit the bill in 1921 were in favor of reapportionment.

Mr. JACOBSTEIN. I think many of them were.

Mr. RANKIN. He should also state that those who voted against recommitting the bill were in favor of reapportionment.

Mr. JACOBSTEIN. That is true in part, too. I will simply say this: There are gentlemen here who want reapportionment but do not want a larger House. Let us agree on that first. I have talked to the membership of this House. I am a member of the committee and I know the feeling of my colleagues. There are many Members of the House who want reapportionment but do not want an increase in the size of the House.

Then there are Members of the House who do not want any reapportionment unless the membership of the House is increased to a point where it will prevent their States from losing a singe Member. That number is 535, approximately. Then there is a small group that want no reapportionment, because their States would lose their proportionate ratio of the House voting strength no matter how large the House may be. It is a question of simple mathematics. Even if you raise the size of the House to 535, the States whose population has not increased proportionately will lose out in the reapportionment. Their votes in this Chamber would be less proportionately, because the population in their States is either stagnant or declining.

Mr. LAGUARDIA. But their salaries would be the same.

Mr. JACOBSTEIN. Yes. My friend from New York says their salaries would be the same. Therefore you have a deadlock. You have a deadlock because you have a block of votes here which will vote against a bill for reapportionment that provided for more than 435, but not enough to protect every State in the Union. Now, it is not likely you are going to get a bill for 535, and, therefore, you will have the States of Missouri, Mississippi, and a lot of other States that are going to lose joining hands with those who do not want more than 435, and, therefore, you are likely to get no legislation in 1930.

The rest of us are not interested in taking votes away from Mississippi and in taking votes away from Missouri, nor are we interested in giving votes to Michigan, Florida, or California. I for one am interested merely in upholding the Constitution. I want representative government. That is all. I do not care who wins or who loses.

There is bad sportsmanship here. Why are we afraid to take chances on what is going to happen in 1930? The man who is a good sport will say, "All right; whatever the population under the census of 1930 proves to be I will take my chances on that, and if my State loses, all right, and if my State gains, all right." In passing let me repeat that my State can not gain, and according to the estimates thus far made it is likely to lose one if not two seats in the House.

Of course, it is clearly apparent that the States whose population has increased faster than the average for the country will gain and those whose population has relatively declined will lose proportionately. This is true no matter what the size of the House may be. It we raise the House to 535, no State will lose its present quota but others will increase their quota. So that their relative voting strength depends on the percentage gain or loss in population in 1930 over the 1910 basis. The following table shows the population in 1910 and the probable (estimated) population in 1930, with the percentage of gain or loss. This will give us a background and a picture of what to expect by way of reapportionment in 1930:

State	Population		Increase[1]	
	1910 Census	1930, estimated	Amount	Per cent
United States	91,972,266	122,537,000	30,564,734	33.2
Alabama	2,138,093	2,612,000	473,907	22.2
Arizona	204,354	499,000	294,646	144.2
Arkansas	1,574,449	1,978,000	403,551	25.6
California	2,377,549	4,755,000	2,377,451	100.0
Colorado	799,024	1,116,000	316,976	39.7
Connecticut	1,114,756	1,717,000	602,244	54.0
Delaware	202,322	248,000	45,678	22.6
District of Columbia	331,069	572,000	240,931	72.8
Florida	752,619	1,489,000	736,381	97.8
Georgia	2,609,121	3,258,000	648,879	24.9
Idaho	325,594	567,000	241,406	74.1
Illinois	5,638,591	7,555,000	1,916,409	34.0
Indiana	2,700,876	3,220,000	519,124	19.2
Iowa	2,224,771	2,433,000	208,229	9.4
Kansas	1,690,949	1,847,000	156,051	9.2
Kentucky	2,289,905	2,577,000	287,095	12.5
Louisiana	1,656,388	1,977,000	320,612	19.4
Maine	742,371	800,000	57,629	7.8
Maryland	1,295,346	1,645,000	349,654	27.0
Massachusetts	3,366,416	4,367,000	1,000,584	29.7
Michigan	2,810,173	4,754,000	1,943,827	69.2
Minnesota	2,075,708	2,781,000	705,292	34.0
Mississippi	1,797,114	[2] 1,790,618	−6,496	−0.4
Missouri	3,293,335	3,544,000	250,665	7.6

[1] A minus sign denotes decrease.
[2] Population Jan. 1, 1920; no estimate made.

State	Population		Increase	
	1910 Census	1930, estimated	Amount	Per cent
Montana	376,053	[2] 548,889	172,836	46.0
Nebraska	1,192,214	1,428,000	235,786	19.8
Nevada	81,875	[2] 77,407	−4,468	−5.5
New Hampshire	430,572	458,000	27,428	6.4
New Jersey	2,537,167	3,939,000	1,401,833	55.3
New Mexico	327,301	402,000	74,699	22.8
New York	9,113,614	11,755,000	2,641,386	29.0
North Carolina	2,206,287	3,005,000	798,713	36.2
North Dakota	577,056	[2] 641,192	64,136	11.1
Ohio	4,767,121	7,013,000	2,245,879	47.1
Oklahoma	1,657,155	2,496,000	838,845	50.6
Oregon	672,765	923,000	250,235	37.2
Pennsylvania	7,665,111	10,053,000	2,387,889	31.2
Rhode Island	542,610	736,000	193,390	35.6
South Carolina	1,515,400	1,896,000	380,600	25.1
South Dakota	583,888	716,000	132,112	22.6
Tennessee	2,184,789	2,531,000	346,211	15.8
Texas	3,896,542	5,633,000	1,736,458	44.6
Utah	373,351	545,000	171,649	46.0
Vermont	355,956	[2] 352,428	−3,528	−1.0
Virginia	2,061,612	2,622,000	560,388	27.2
Washington	1,141,990	1,628,000	486,010	42.6
West Virginia	1,221,119	1,770,000	548,881	44.9
Wisconsin	2,333,860	3,009,000	675,140	28.9
Wyoming	145,965	257,000	111,035	76.1

[2] Population Jan. 1, 1920; no estimate made.
[2] Population State census 1925, no estimate made.

The population of the United States has increased from 91,000,000 in 1910 to approximately 125,000,000 in 1930. Imagine a country increasing by 30,000,000 and not having a reapportionment, which is the situation we may have in 1930. We have skipped once and may do so again. Now, any man who has good statesmanship in him and who is not interested merely in politics, or who is not interested in preserving a few votes for his State, will take a statesmanship view of this question and say, "We do not want this deadlock to occur; we want reapportionment, and we believe in representative government." How can we accomplish this? By taking the vote now, to-day or to-morrow, when there is no direct or immediate selfish interest involved. If you wait until 1930 your own particular seat may be at stake. I am not charging any man here with that kind of selfishness or saying that he is going to vote that way, but if you wait until 1930 you will have a very vexatious problem, and gentlemen whose States are going to lose are going to find it difficult to vote for reapportionment.

Now, 17 States may lose in 1930, according to the population estimates made by the Bureau of the Census. Seven States, representing over 200 Congressmen and representing 34 Senators, and you can readily understand what little chance you will have of getting a bill through this House that does not satisfy everybody, and everybody means a House of 535 Members. I doubt if any Member seriously contemplates that size of a House. That would be so unwieldy as to defeat the purpose of representative government.

The following table represents the States which would lose one or more Members with the House on the basis of preliminary estimates of population for 1930 and assuming the House to retain its present 435 membership:

Alabama	10
Indiana	13
Iowa	11
Kansas	8
Kentucky	11
Louisiana	8
Maine	4
Massachusetts	16
Mississippi	8
Missouri	16
Nebraska	6
New York	43
North Dakota	3
Pennsylvania	36
Tennessee	10
Vermont	2
Virginia	10
Total	215

Mr. KETCHAM. Before the gentleman leaves that point, will he state how many States are involved in the situation as it is under the census of 1920 and how many more States will be involved under the census of 1930?

Mr. JACOBSTEIN. Why, of course, the disease is an aggravated disease. I wish I could use your medical terminology, Doctor Sirovich, but you have here a germ disease which becomes more and more malignant. In 1920 only 11 States would have lost seats in the House with a membership of 435. In 1930 17 will lose seats.

Table showing States which would have lost with an apportionment of a House of 435, based on the 1920 census

Indiana	1
Iowa	1
Kansas	1
Kentucky	1
Louisiana	1
Maine	1
Mississippi	1
Missouri	2
Nebraska	1
Rhode Island	1
Vermont	1
Total	12

Probable losses in representation by States on the basis of estimated population for 1930, with the size of the House at 435

Alabama	1
Indiana	2
Iowa	2
Kansas	1
Kentucky	2
Louisiana	1
Maine	1
Massachusetts	1
Mississippi	2
Missouri	3
Nebraska	1
New York	1
North Dakota	1
Pennsylvania	1
Tennessee	1
Vermont	1
Virginia	1
Total	23

Mr. SIROVICH. The gentleman stated it was a monstrosity.

Mr. JACOBSTEIN. It is a malignant disease like a cancer, and it is going to grow and eat into the body politic and is going to become more dangerous and more serious as time goes on. Our duty is to check it now by enacting this legislation.

Let us not do as England did 100 years ago, drift along until they had no representative government and almost had a revolution in 1832 as a result of the rotten borough system. Let us avoid that. How? By to-day or to-morrow when the vote is taken simply pass a bill which does what?

The proposition has been misrepresented here, sometimes intentionally and sometimes unintentionally, but the bill is very simple and I think very fair, very just in its operation. What does it do? It provides, first of all, we are going to take a census at a time favorable to the agricultural population. In the Census Committee I argued all the time that the rural sections should get a square deal in the taking of the census. May 1 is the most favorable time for an agricultural census of population. That is the date provided for in the census bill reported favorably by the committee.

So, after the census of 1930 is taken, we say to the Bureau of Census, "According to the formula we prescribe for you, tell us what the population is in the various States of the Union, and then having found the population of the various States of the Union, tell us how many Representatives Alabama and Wyoming and all the other States of the Union are entitled to."

The Director of the Census has no discretion in the matter. Any clerk operating in that department under the direction of the Director of the Census has a very specific and a very definite formula to work with. Every authority that appeared before our committee agreed that this method prescribed is accurate.

This method admits of no discretion on the part of the Director of the Census, be he Republican or Democrat. He takes the formula and says that according to the census of 1930 Alabama is entitled to so many, New Jersey to so many, New York to so many, Wisconsin to so many, and he submits this report to the Congress on the first day of the session in December, 1930, and then Congress must act.

If the second session of the Seventy-first Congress does not act, and fails to do its duty by March 4 of the following year, then the figures or the statements submitted to us, the Congress of the United States, are submitted to the secretaries of the various States of the Union by the Clerk of the House and these figures become the reapportionment figures until Congress chooses to act.

Congress neither surrenders nor abrogates any of its powers. Congress is free at all times to act. It can order a reapportionment any time it sees fit to do so. There is just this difference: So long as a future Congress fails to take affirmative action, then under the provisions of this bill the reapportionment herein provided is to remain in force and effect. That is, on the basis of the 1930 census, until 1940, and then on the 1940 basis, and so forth. The method of major fractions is prescribed, and this I will explain in detail in a few minutes.

There is nothing very mysterious about this. Is there anything unfair about it? We, the Congress, are telling the Census Bureau how to operate. We give it a very accurate, a very specific formula. It is not as mysterious as the gentleman from Mississippi tried to make it out to be. I think I can explain it to you in five minutes, and I am going to take the five minutes in order to do it, because I find so many Members are unable to explain it to those who really want to know, not because it is obscure but because it has not been explained in simple language. Every authority that knows anything about mathematics at all agree that the formula here laid down for the Director of the Census is a formula so accurate and so definite and so specific that there is no discretion left to the executive departments. There is not in this bill the discretion that is given to the Tariff Commission, which has to decide what the costs of production are here and abroad, nor the discretion that is given to the Interstate Commerce Commission, which has to very delicately adjust freight rates, nor the power given to the Treasury Department, which issues regulations involving the levying of internal taxes and import duties too. There is no discretion in this bill. The Director of the Census absolutely goes through certain motions prescribed by Congress.

We say to the Director of the Census, "After you have taken the census of the population of 125,000,000, or whatever it may be, tell us how many are in Pennsylvania, how many in New York, how many in New Jersey, and then with that population, using the method of major fractions, allocate the representation to the States, and submit the statement to Congress in December, 1930."

Now, what is this method of major fractions? I am going to take a minute to explain it.

Every Member of this House is holding a seat here according to a mathematical method which was used in the Census Bureau. It was not specifically written in the bill, but was used in tabulations presented to the Census Committee. The gentleman from Mississippi and the gentleman from Missouri were right. The reapportionment bill of 1910 and 1920 did not specifically say that we were going to use the method of major fractions, because after a bill comes out on the floor here it merely tells how many Members each State would have. But obviously there must be some method in allocating the Representatives to the several States on the basis of the population of those States and of the country as a whole.

How do they get that Membership? New York received 43 in 1910 because, according to the method of major fractions, that is what she was entitled to. How do you get 36 in Pennsylvania, Mr. CASEY? Because under major fractions that is what Pennsylvania is entitled to. It makes no difference whether the Director is a Democrat or a Republican. You can not make it any less nor any more. It is simple, accurate, and air-tight.

How do we work it? I will now illustrate what we mean by this method of major fractions prescribed in the bill. First, take the population of each State—I will take the population of New York, my own State, for instance, a population of 11,000,000, and you divide that by 1½, 2½, 3½, 4½, 5½, 6½, up the scale and so on. You do the same for Pennsylvania and for Mississippi, and for every other State. That is, you get a series of quotients by dividing the population of each State by 1½, 2½, 3½, 4½, 5½, and so forth. Now you arrange these quotients in order of size, as shown here in this table [pointing to it].

The following table illustrates the manner in which the method of major fractions operated in the 1910 reapportionment:

Quotients arranged in order of size	Size of House	State receiving the last assigned Representative	Cumulative number of Representatives for each State
6,072,623	49	New York	2
5,110,074	50	Pennsylvania	2
3,759,061	51	Illinois	2
3,643,574	52	New York	3
3,178,081	53	Ohio	2
3,066,044	54	Pennsylvania	3
2,602,553	55	New York	4
2,597,695	56	Texas	2
2,255,436	57	Illinois	3
2,244,277	58	Massachusetts	2
2,195,556	59	Missouri	2
		Intervening figures omitted for sake of convenience.	
217,011	425	Virginia	10
216,766	426	Nebraska	6
216,070	427	Indiana	13
215,918	428	Pennsylvania	36
215,626	429	Idaho	2
215,034	430	Florida	4
214,321	431	New York	43
212,777	432	Illinois	27
212,473	433	Missouri	16
212,106	434	Maine	4
211,883	435	Iowa	11

You put the highest one at the top and the lowest at the bottom. There is no partiality, no discretion in arranging these quotients. They are put down in order of size—from highest to lowest, regardless of the State. There is no politics in mathematics.

Mr. BEEDY. Where do you stop?

Mr. JACOBSTEIN. That depends on the number of Representatives you want in the House. It makes no difference. It can not affect the results.

Now, according to the Constitution every State in the Union is entitled to one Congressman. That takes care of 48, one for each of the 48 States. Forty-eight are assigned, according to the Constitution, and who is to get the forty-ninth? Suppose the House only wanted 49 Members. Who would get the forty-ninth Member. Why, New York, because it has the largest quotient, the largest number of people in the United States living in any one State and not represented in the House except by the original assignment of one. When you divide by 1½, 2½, 3½, and so forth, it gets the largest quotient, and so New York is entitled to the forty-ninth Member. Suppose the House wanted 50 Members. Who gets the fiftieth Member? Why, the next largest quotient happens to be Pennsylvania, so Pennsylvania would get the fiftieth Member, and would have two Members. One under the Constitution and one according to population.

If you had a bill saying they wanted 51 Members of the House, who would get the fifty-first Member? Well, that is simple. Consult this table. Go down, and you find the next largest quotient happens to be Illinois, and so you go down the list. Where do you stop? If you want a House of 435 then when you reach 435 you will stop. In 1910 we stopped at 435. In the Fenn bill now before us we are proposing this method of tabulation on the 1930 census and for a House of 435.

I have explained now how the method of major fractions operates. There can be no dispute about it. The results must be the same, assuming a House of a given number, and the population census of 1930 as a base. Now, how many people does a Congressman represent.

A MEMBER. Three hundred and twenty thousand.

Mr. JACOBSTEIN. That is not in the law. No law ever stated so. If you stop at 435 then each Congressman would have a representation of midway between the quotient for 435 and 436. That is called the divisor—in 1910 it was 211,877 per congressional district—and no change has occurred since then in law, because there has been no reapportionment since 1910.

Now, take that number and divide it up into the States of the Union. Take the divisor and divide it into the population of your own State and you get the number of Representatives your State is entitled to have. That is, take the population of your State in 1910. Divide it by the divisor 211,877 and you get the seats or districts your State is entitled to have. But suppose in the division process you have a fraction, say, one-fourth, one-half, three-fourths. What will you do with it? Well, according to the method of major fractions, your State would be assigned an additional seat if the fraction was one-half or greater than one-half—that is, every major fraction receives a whole seat in the House. Try it out for your own State on the basis of the 1910 Census and see if it is not just as I have described it to you. Take the population of your State for 1910, divide it by 211,877, and I am sure you will find your State received credit for the fraction, if it equaled or exceeded one-half. If it was less than one-half it received no credit. The minor fraction was discarded. That was true for every State, as shown in the following table:

	Ratio for division, 211,877 Total number of Representatives, 435	
	Result of division	Final apportionment
United States		435
Alabama	10.09	10
Arizona	.85	1
Arkansas	7.43	7
California	11.21	11
Colorado	3.76	4
Connecticut	5.26	5
Delaware	.95	1
Florida	3.55	4
Georgia	12.31	12
Idaho	1.52	2
Illinois	26.61	27
Indiana	12.74	13
Iowa	10.50	11
Kansas	7.98	8
Kentucky	10.80	11
Louisiana	7.81	8
Maine	3.50	4
Maryland	6.11	6
Massachusetts	15.89	16
Michigan	13.26	13
Minnesota	9.79	10
Mississippi	8.48	8
Missouri	15.54	16
Montana	1.72	2
Nebraska	5.62	6
Nevada	.38	1
New Hampshire	2.03	2
New Jersey	11.97	12
New Mexico	1.49	1
New York	42.99	43
North Carolina	10.41	10
North Dakota	2.71	3
Ohio	22.49	22
Oklahoma	7.82	8
Oregon	3.17	3
Pennsylvania	36.18	36
Rhode Island	2.56	3
South Carolina	7.15	7
South Dakota	2.71	3
Tennessee	10.31	10
Texas	18.39	18
Utah	1.75	2
Vermont	1.68	2
Virginia	9.73	10
Washington	5.38	5
West Virginia	5.76	6
Wisconsin	11.01	11
Wyoming	.68	1

Mr. ACKERMAN. Will the gentleman yield?

Mr. JACOBSTEIN. Yes; with pleasure.

Mr. ACKERMAN. Why do you put some of the figures in that column in red and some in black?

Mr. JACOBSTEIN. The red indicates the States that have less than a major fraction. Every State in red ink is a State that had less than one-half and, of course, received no credit for this minor fraction. Those in black show the major fraction, and you will observe each State having a major fraction (see table above) received an additional seat in Congress for that major fraction. Please notice that Rhode Island, which had in 1910 a quotient of 2.56, received 3 seats in Congress; Maine had 3.50 and got 4; Mississippi had 8.48 and got 8; New Mexico had 1.49 and got only 1.

This table only enables one to prove that the method of major fractions operates with exact uniformity and fairness to all States. In the reapportionment process it is not necessary to construct this table with fractions. It is necessary only to proceed as I outlined the steps in the beginning—by arranging the quotients in order of size and picking off the top ones first, and down the column until your quota of 435 is exhausted.

Rhode Island on the 1920 table has 2.49 and got only 2. It lost out because it failed to secure a major fraction. Its relative population declined.

Mr. CASEY. And if it had been 2.51 it would have gained a Representative?

Mr. JACOBSTEIN. Yes. The point is simply this: The reason why I bring these charts to you is not to show you that I know something about mathematics, because you could have worked this out as well as I, but the point of the chart is this: The gentleman sitting in the gallery, Dr. J. A. Hill, the Assistant Director of the Census, would merely have to follow this mathematical procedure, without variation or deviation. It does not make any difference what his politics happen to be. He can not change the results. I am a Democrat. If the Republicans are in power they could not change the results after the population census data has been collected. I do not think they would; but they can not alter the results once you adopt your policy. The gentleman from Mississippi [Mr. RANKIN] said that the Census Bureau is one of the finest bureaus in the Government, that the people who work there are very intelligent, and that all they need is a little more money to carry out their activities. Then it is a matter of sheer mathematics.

It has worked with accuracy before, and it will work with accuracy again. Whether you believe in the bill or not, please do not use this mathematical method as an alibi. I can understand why some gentlemen do not want 435, but do not try to discredit the bill upon the theory that this method of computation is not understandable. If there is any Member of this House who can not explain this system to his constituents, he does not deserve to be here.

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

Mr. JACOBSTEIN. Yes.

Mr. RANKIN. Under the method of equal proportions, would the State of Maine get three instead of two?

Mr. JACOBSTEIN. The gentleman from Mississippi has asked a question that I am going into in a minute. In his own remarks he called attention to the fact that there was another method known as the method of equal proportions, which method has never been tried. We never tried it in our history from 1790 down to the present time. Mathematically it is just as accurate as this. I would just as soon vote for it. I will say this: Will you vote for the bill, Mr. RANKIN, if it contains the method of equal proportions?

Mr. RANKIN. No; I am not going to vote for this bill.

Mr. JACOBSTEIN. I do not believe the gentleman is in favor of any reapportionment.

Mr. RANKIN. Oh, yes; I am.

Mr. JACOBSTEIN. Unless we give you 535 Members, so that no State, including your own, would lose any.

Mr. RANKIN. No. I possibly would eliminate the gentleman from New York. I am in favor of reapportionment of Congress, and I think the gentleman's method on the floor of the House is unparliamentary and undignified.

Mr. JACOBSTEIN. I did not mean to be discourteous to the gentleman from Mississippi. It was furtherest from my mind. I think, however, the opposition to this bill should be a fair opposition. If you do not believe in reapportionment because you are going to hurt your State, say so, but do not say we ought not to have it, because the mathematics will not work or because you can not explain it, or because it is unfair. From 1790 to 1830, inclusive, we used the method of rejected fractions. All fractions were discarded. Then in 1840 we used the method of major fractions. From 1850 to 1900 we used the Vinton method. In 1910 we came back to the method of major fractions. In 1920 the bill reported to the House was founded upon major fractions.

There are other mathematical methods. You can say the method of equal proportions is equally good. That method happens to favor the rural, small States, and I would as soon vote for that. In fact, I am willing to vote for it in order to give the small rural States an advantage. I would just as soon vote for the bill in that way. We advocate major fractions because it is better known, tried out, and officially adopted in the last reapportionment of 1910.

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

Mr. JACOBSTEIN. Yes.

Mr. LUCE. Applying this situation to my own State, I see that under the system of major fractions, if the size of the House were increased from 435 to 460, that would mean an increase of 5.74 per cent, but that the difference in representation would be 13.33 per cent, or more than twice as much.

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

Mr. FENN. Mr. Chairman, I yield five minutes more to the gentleman.

Mr. JACOBSTEIN. Just what is the point of the question of the gentleman from Massachusetts?

Mr. LUCE. If the size of the House were increased from 435 to 450 or 460 Members, that would be an increase of about 5.74 per cent, but it would result in an increase in representation from my State of 13.33 per cent, which is more than twice as much. I am wondering if the gentleman is quite certain that the system of major fractions is as accurate as the system of equal proportions.

Mr. JACOBSTEIN. Accurate in what way?

Mr. LUCE. I have just given the gentleman an illustration.

Mr. JACOBSTEIN. What is the gentleman's test of accuracy? If we say to Mr. Stewart, the Director of the Census: Take the census of the population, and after you have the population here is a formula——

Mr. LUCE. Oh, I am not speaking about that. I am speaking about the mathematical accuracy of it.

Mr. JACOBSTEIN. Even those who advocate the method of equal proportions, whether they be from Harvard or Yale, have to admit that this method of major fractions is accurate. The only difference is that you use a different principle or different basis. I do not like to bore you with mathematics.

The method of equal proportions simply gives to each individual a representation in Congress based upon the percentage that he bears to the population of his own State, and on that basis, you, Mr. LUCE, in Massachusetts, count for more than I do in New York, because I am one of 11,000,000 and you are one of 3,500,000. Therefore you count for more in Massachusetts than I count for in New York, and if you take the percentage basis, which is that of equal proportion, then the smaller States get a larger representation. There is no question about that. All the mathematicians agree on this proposition. If you want to give the small States, the rural States, a little advantage over the larger States, if you want to be generous, then use the method of equal proportions. But the one is just as accurate as the other. Addition is just as accurate as division. Subtraction is just as accurate as multiplication. Both methods are definite, both accurate; but major fractions has the advantage of having been tried and proven workable. It is known to all who know anything about statistics. The method of equal proportion is satisfactory from a theoretical viewpoint. So far as I am concerned it is acceptable.

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

Mr. JACOBSTEIN. In one second.

Mr. ROMJUE. It is on that point, if I understand you. Under the major-fraction formula do the larger States get less or more?

Mr. JACOBSTEIN. The larger States gain more under major fractions than under equal proportions.

Mr. ROMJUE. And the smaller States get less. Do they not?

Mr. JACOBSTEIN. Of course. One is the reverse of the other.

Mr. ROMJUE. Take, for example, the State of New York under the major fractions.

Mr. JACOBSTEIN. We would get 42. We now have 43. Under equal proportions we might get only 41.

Mr. ROMJUE. Now, I want to ask the gentleman——

Mr. JACOBSTEIN. What is the point of the gentleman's question? I recommend the major fractions for only one reason in this bill. This bill provides only in the case of an emergency. In 1930, if Congress acts, as I hope it will act, courageously, it will consider equal proportions and major fractions, and if I am here, I will accept equal proportions. But now that you are delegating a ministerial function to the Department of Commerce (the Census Bureau) is it not wise to use that method that was used in 1840 and 1910 and recommended in 1920, the method of major fractions?

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

Mr. JACOBSTEIN. Yes.

Mr. SIROVICH. I wish the gentleman would explain the problem of equal proportions.

Mr. JACOBSTEIN. It is worked in the same way, except that this list of quotients is arrived at by dividing the population of each State by the square root of 1×2, 2×3, 3×4, and so forth. The rest of the process is the same as I explained it for major fractions.

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

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

Mr. JACOBSTEIN. If I had the time, I would be very glad to explain.

Mr. FENN. Mr. Chairman, I yield to the gentleman one minute more.

The CHAIRMAN. The gentleman from New York is recognized for one minute more.

Mr. KETCHAM. A good deal of argument has been advanced to the committee relative to the question of the loss to the large State or the small State. Referring to the gentleman's table, I find that only few States would gain, and that only few States would lose, so that after all we do not need to get excited about it.

Mr. JACOBSTEIN. You are quite right. In 1920 the only States that would have been affected by the method of equal proportions are shown in the following table:

States	Major fractions	Equal proportions
Vermont	1	2
New Mexico	1	2
Rhode Island	2	3
Virginia	10	9
North Carolina	11	10
New York	43	42

Otherwise both methods yield the same results for all the other States. It will be observed that the three larger States—New York, North Carolina, and Virginia—fared better under major fractions, and the three smaller States—Vermont, New Mexico, and Rhode Island—fared better under equal proportions. I have shown on this chart what you get under the different methods. There is very little difference.

This is emergency legislation. If you want to break a deadlock in 1930, you want to act now. In 1930 you will have conflicting emotions and politics injected into the situation, and you will then have an even worse situation than you had in 1920. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. FENN. Mr. Chairman, I yield five minutes to the gentleman from North Carolina.

The CHAIRMAN. The gentleman from North Carolina is recognized for five minutes.

Mr. WARREN. Mr. Chairman, if a Member can still say it without being laughed at, I want to say that this matter is fundamental with me. I also favor a House of 435 Members. I believe that there is a clear-cut, mandatory constitutional provision that requires this House to carry it into effect.

Believing that, and believing that the membership should remain at 435, I am going to vote for this apportionment regardless and let the chips fall where they will.

I hate to see any Member lose his seat. In order to be a good Democrat, I perhaps had better make that apply only to this side of the House. [Laughter.] I hate to see any State have the misfortune to lag behind in population. But, gentlemen of the committee, individuals and States in my opinion pale into insignificance as compared with the broader and higher constitutional mandate.

I frankly admit that this bill is a club. I do not like that feature of it. But it is necessary. If we do not act now, I can visualize the same argument, the same divergence of views, and the same inaction that will prevail after the 1930 census. [Applause.]

Mr. Chairman, I yield back the remainder of my time.

The CHAIRMAN. The gentleman from North Carolina yields back two minutes.

Mr. RANKIN. Mr. Chairman, I yield 10 minutes to the gentleman from Iowa [Mr. THURSTON].

The CHAIRMAN. The gentleman from Iowa is recognized for 10 minutes.

Mr. THURSTON. Mr. Chairman and gentlemen, I do not desire now to take up the discussion of the different methods that were explained here by my colleague and good friend from New York [Mr. JACOBSTEIN], but I want to direct attention to another feature of the result that will follow from a reapportionment which will reduce or restrict the membership of the House.

Inasmuch as it has been contended that the House of Representatives is now composed of too many Members, and that business can not be handled in an expeditious manner, I desire to submit some information along this line, and thought perhaps the committee would be interested in ascertaining the number serving in the lower house of the principal nations of the world; so I have obtained a statement from the legislative reference division of the Library of Congress, which is attached and which sets forth the number of members in the lower house in Great Britain, Canada, France, Germany, Italy, Japan, and the United States; and while I desire to call your attention to the number of members in the lower house of each of the nations mentioned, I more particularly desire to have you examine the table, which shows that a Representative in our Congress, on the average, now represents 269,278 people, or from two to six times as many as a member represents in the lower house of any of the nations mentioned and, excepting Canada only, in area each Member in our House of Representatives represents from fifteen to twenty times the area represented by a member in the lower house of the nations above mentioned. As to wealth, a Member of the House of Representatives in the United States represents three-quarters of a billion dollars, whereas a member in the English Parliament represents property worth less than one-third of that amount. A member of the French Chamber of Deputies represents one-seventh of that amount, and the members of the lower house in other countries far less in proportion.

While some Members have contended that the membership of the House should be reduced, a careful examination of the table will show that all of the major nations of the world have a far greater number of legislators in proportion to their population, area, and national wealth, than we have in the United States, so if this subject is to be considered and determined in view of facts as gathered from experience of the other great nations, as distinguished from conclusions, the statements submitted by those in favor of a smaller membership have few, if any, real facts upon which their conclusions are to be based.

As the citizens of all of the nations mentioned, excepting the United States, are mostly of the same homogeneous origin with little or no ethnic differences, whereas our citizenship is composed of practically all of the different races of the world, thereby greatly multiplying our problems and manifestly requiring greater diversity in ideas and knowledge of government, so, on these grounds, it is apparent that the service required of a Member in the United States is much broader and calls for more consideration and legislative knowledge than would be required of a member in a like body in any of the nations mentioned.

And in passing, it might be noted that the membership of the House committees was increased during this session, thus more time being taken from one-half to two-thirds of the Members.

So it may be asserted that the field of legislation considered by the Congress of the United States covers a much larger field than that considered by any of the major legislative bodies of the world, and in view of the foregoing it would appear that the membership in the House of Representatives in our Congress might be increased with good results and for the general betterment of our people.

In average wealth represented, number of constituents, and in area in which distance must be considered, the table submitted, and which recites facts, clearly proves the case of those opposed to a proportional reduction in the membership in the House of Representatives in the Congress of the United States.

In considering the number of Members in the House of Representatives thought should also be directed to the current practices and tendencies in the Senate to devote a major portion of the time of that body to international affairs, political matters of a nonlegislative character, and investigations covering a wide scope of activities, and it is not my purpose to criticize the activities of that branch of the Congress in relation to the subjects mentioned, but reference is made solely for the purpose of emphasizing the fact that our citizens are becoming more inclined to expand their contact with the Members of the lower branch because of the lack of time on the part of the Senate to attend to the same, and the Members of the House understand that the contact of the average citizen with his Member of the House has greatly multiplied in the last few years because of the increased activities of the Federal Government in fields not heretofore entered, and the older Members of the House state that the volume of their correspondence has increased manyfold within the last 10 or 15 years; and in some respects a Member of the House is the agent of his constituent in his contact with the Federal Government; so if a Member is to be allowed sufficient time to attend to legislative duties the number of Members in the House should not be reduced, as it is doubtful if the Members can properly serve a greater number of constituents than they now represent.

This bill proposes to retain the present membership at 435, which, of course, will increase the ratio of constituents and also reduce the membership from several States and correspondingly increase the membership of other States.

A table is herewith submitted showing the changes under the estimated population of 1930.

Twelve States would gain, 17 States would lose, and in 19 States no change would be made in the representation.

ANTICIPATORY FEATURES

It is understood that all prior legislation upon this subject was had after the census figures were available to the Congress, so the method or plan of apportionment used was of no material consequence, and this anticipatory measure is an innovation in apportionment history, and while not in words but in effect infers that the Members of the Seventy-third or subsequent Congress will fail to enact such reapportionment legislation as may be necessary.

While I do not desire to enter into a lengthy discussion of the constitutional phases of the matter, yet I do wish to direct the attention of the membership to the portion of the bill, section 1, line 4, which provides that—

The Secretary of Commerce shall transmit to the Congress a statement showing the whole number of persons in each State, excluding Indians not taxed, as ascertained under such census, and the number

of Representatives to which each State would be entitled under an apportionment of 435 Representatives—

Made in the following manner: By apportioning 1 Representative to each State—as required by the Constitution—and by apportioning the remainder of the 435 Representatives among the several States, according to their respective numbers, as shown by such census, by the method known as "the method of major fractions," a phrase that has not been legally construed or defined, so that the bill without intervention of the Executive—and I am sure the Members appreciate the distinction—directs subordinate officials, the Secretary of Commerce and the Clerk of the House of Representatives, to exercise not only a discretionary function but also a constitutional function, as section 1 of Article I of the Constitution provides that—

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives—

And this bill proposes that one of the coordinate branches of the Government shall have the authority to usurp a specifically designated power vested in the Congress.

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

Mr. RANKIN. I yield to the gentleman three minutes more.

The CHAIRMAN. The gentleman from Iowa is recognized for three minutes more.

Mr. THURSTON. At this time there is in effect a statute of the United States, passed in 1912, which provides the manner in which the Members of the House of Representatives shall be apportioned, and this bill provides that, if the Seventy-third Congress fails to reapportion the membership, the powers herein proposed shall be exercised by the Secretary of Commerce and the Clerk of the House of Representatives, and thereby repeal an act of the Congress. The idea is a novel one indeed.

I believe that the Supreme Court of the United States has directly held that, in effect, the President can not repeal an act of Congress, but this bill proposes to vest subordinate officials with such authority.

If the plan proposed is legal or sound, the legislative branch of the Government by such enactments may reach such a state of impotence that our acts will induce our citizens to believe that the continuance of the legislative branch of our Government is unnecessary, and can be entirely dispensed with, as anticipatory legislation can be enacted that will vest all future authority in an executive official.

Another interesting feature of this bill is the one which, of course, provides that a bare majority in both Houses would be required to pass the bill, and if it receives Executive approval; no matter what situation might thereafter arise, without Executive approval it would take a two-thirds vote of each House to repeal a measure proposing a change, and thereby the legislative branch functioning under an ordinary majority would be surrendering its power unless it was able to obtain a two-thirds majority, so the difference between 51 per cent, the usual majority, and 66 per cent, the strength required to override a veto, or 15 per cent, the net difference which is now vested in the Congress, would inure to the executive branch; and this situation would not be unusual in the field of ordinary legislation, but the bill proposed is one that would affect the prerogatives and the very existence of the legislative branch.

The proposed surrender of legislative authority on this subject need not be made if the Congress will wait until the census figures are available before a reapportionment is ordered.

The Congress has been criticized for not making a reapportionment based upon the 1920 census, though it was understood that there had been a large movement of population to the industrial centers on account of war activities that had not returned to their permanent place of abode, and it is not generally known that the 1920 census was taken in the month of January, and as the census enumerators are paid for the per capita returns made, 4 cents for each person counted, it was generally conceded that a large number of persons were not enumerated in the country districts on account of inclement weather and bad road conditions prevailing at that time of the year, and it will be pleasant news for all concerned to learn that the bill reported out by the Census Committee for passage provides that the taking of the 1930 census is to commence on the 1st day of May, so that it will now be possible to obtain a fair and accurate enumeration of both the urban and rural populations of the United States.

If each Member here has not publicly expressed his opposition to the further encroachment of Executive power, doubtless he has done so in private conversation, and it will be interesting to note the position of the Members when a vote on this measure is reached.

The Members who favor a further increase of Executive power can heartily support this measure; however, if the Congress expects to retain and command the respect of the American people this and like measures will receive little consideration. [Applause.]

Membership of parliaments in certain foreign countries, in relation to population, area, and estimated wealth, compared with the same figures for the United States

[Sources: Unless otherwise stated, Statesman's Yearbook, 1926, and World Almanac, 1927]

Country	Membership of—		Population	Area (square miles)	Estimated national wealth		Ratio represented by each member of lower house in relation to total		
	Higher house	Lower house			Amount	Year	Population	Area (square miles)	National wealth [1]
Great Britain and Northern Ireland	[2] 730	[3] 615	[4] 42,919,710	89,041	$120,000,000,000	1922	69,788	145	$195,121,951
Canada	[5] 96	[6] 245	[7] 9,364,200	[8] 3,729,665	22,195,000,000	1921	38,221	15,214	90,519,837
France	[10] 314	[11] 580	[12] 39,209,518	212,659	60,000,000,000	[9] 1925	67,603	367	103,448,276
Germany	[13] 68	[14] 493	[15] 62,539,098	181,257	40,000,000,000	1924	126,854	368	81,135,903
Italy	[16] 387	[17] 560	[18] 42,115,606	119,624	[19] 35,000,000,000	1922	75,206	214	62,500,000
Japan	[20] 409	[21] 464	[22] 61,081,954	[23] 260,707	22,500,000,000	1922	131,642	562	48,491,379
United States	96	435	[24] 117,136,000	[25] 3,627,557	[26] 320,894,000,000	1922	269,278	8,339	737,480,460

[1] None of the data relative to national wealth is official. These estimates are mostly by bankers or statisticians. (World Almanac, 1927, p. 297.)
[2] Average membership. This is the voting strength; the full house would consist of about 740 members.
[3] Including 13 members from Northern Ireland. Number reduced to that figure in 1922. From 1885 to 1917 membership was 670. From 1918 to 1921, under the representation of the people act, 1918, membership was 707.
[4] On June 19, 1921.
[5] Total number may not exceed 104.
[6] Fifteenth Parliament, elected on Oct. 29, 1925, under the representation act, 1924. (Canadian Parliamentary Guide, 1926, p. 113.)
[7] Estimated population in 1925.
[8] The area of the Dominion as revised on the basis of the results of recent explorations in the north is 3,797,123 square miles. (Canada Yearbook, 1925, p. 1.)
[9] Canada Yearbook, 1925, p. 813.
[10] Elected Jan. 11, 1924.
[11] Elected May 11, 1924.
[12] Census of 1921.
[13] In 1926.
[14] Elected Dec. 7, 1924.
[15] On June 16, 1925.
[16] On Jan. 1, 1924. The number of Senators is unlimited. Senators are appointed by the King for life.
[17] Elected in April, 1924. Prior to electoral law of Feb. 15, 1925, deputies numbered 535.
[18] Estimated on Jan. 1, 1926. Census of Dec. 1, 1921, returned 38,755,576 inhabitants.
[19] According to figures published by Doctor Luther, German finance minister. (World Almanac, 1927, p. 297.)
[20] On Dec. 31, 1925. Members of the imperial family are ex-officio members of the House of Peers (Senate). A large percentage of the membership of the House of Peers consists of members appointed by the Emperor. (Résumé Statistique de l'Empire du Japon, 1926, p. 145.)
[21] Elected May 31, 1925; number unchanged from 1924. (Résumé Statistique de l'Empire du Japon, 1926, p. 145.)
[22] Estimated Dec. 31, 1924. The census of population of the mainland on Oct. 10, 1925, gave 59,936,000 inhabitants. (Résumé, 1926, p. 5.)
[23] Including Chosen (Korea), Formosa, Pescadores, and Japanese Sakhalin.
[24] Estimated by Census Bureau, July 1, 1926.
[25] Gross area (land and water). (Statistical Abstract of the United States, 1925, p. 3.)
[26] Statistical Abstract of the United States, 1925, p. 283.

Table showing apportionment of 435, 460, 483, and 534, based on an estimated population for 1930:

Apportionment of 435, 460, 483, and 534 Representatives based on February, 1928, estimated of January 1, 1930, population

States	Estimated population Jan. 1, 1930 [1]	Present House of Representatives	Apportionment on basis of estimated population			
			Major fractions			Minimum number to prevent loss in any State [2]
United States	122,537,000	435	435	460	483	534
Alabama	2,612,000	10	9	10	10	11
Arizona	499,000	1	2	2	2	2
Arkansas	1,978,000	7	7	7	8	9
California	4,755,000	11	17	18	19	21
Colorado	1,116,000	4	4	4	4	5
Connecticut	1,717,000	5	6	6	7	8
Delaware	248,000	1	1	1	1	1
District of Columbia	572,000	0	0	0	0	----------
Florida	1,489,000	4	5	6	6	7
Georgia	3,258,000	12	12	12	13	14
Idaho	567,000	2	2	2	2	2
Illinois	7,555,000	27	27	29	30	33
Indiana	3,220,000	13	11	12	13	14
Iowa	2,433,000	11	9	9	10	11
Kansas	1,847,000	8	7	7	7	8
Kentucky	2,577,000	11	9	10	10	11
Louisiana	1,977,000	8	7	7	8	9
Maine	800,000	4	3	3	3	4
Maryland	1,645,000	6	6	6	6	7
Massachusetts	4,367,000	16	15	17	17	19
Michigan	4,754,000	13	17	18	19	21
Minnesota	2,781,000	10	10	11	11	12
Mississippi	1,790,618	8	6	7	7	8
Missouri	3,544,000	16	13	13	14	16
Montana	[3] 548,889	2	2	2	2	2
Nebraska	1,428,000	6	5	5	6	6
Nevada	[3] 77,407	1	1	1	1	1
New Hampshire	458,000	2	2	2	2	2
New Jersey	3,939,000	12	14	15	16	17
New Mexico	402,000	1	1	2	2	2
New York	11,755,000	43	42	44	46	51
North Carolina	3,005,000	10	11	11	12	13
North Dakota	[4] 641,192	3	2	2	3	3
Ohio	7,013,000	22	25	27	28	31
Oklahoma	2,496,000	8	9	9	10	11
Oregon	923,000	3	3	3	4	4
Pennsylvania	10,053,000	36	35	38	40	44
Rhode Island	736,000	3	3	3	3	3
South Carolina	1,896,000	7	7	7	7	8
South Dakota	716,000	3	3	3	3	3
Tennessee	2,531,000	10	9	10	10	11
Texas	5,633,000	18	20	21	22	25
Utah	545,000	2	2	2	2	2
Vermont	[3] 352,428	2	1	1	1	2
Virginia	2,622,000	10	9	10	10	11
Washington	1,628,000	5	6	6	6	7
West Virginia	1,770,000	6	6	7	7	8
Wisconsin	3,009,000	11	11	11	12	13
Wyoming	257,000	1	1	1	1	1

[1] As revised February, 1928 on 1925 to 1927 data.
[2] According to method of major fractions.
[3] Population Jan. 1, 1920; no estimate made.
[4] Population State census 1925; no estimate made.

It must be remembered that these estimated populations are merely guesses and may be far from the actual population as may be reported in 1930.

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

Mr. THURSTON. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. FENN. Mr. Chairman, I yield five minutes to the gentleman from California [Mr. CRAIL].

Mr. CRAIL. Mr. Speaker and my colleagues of the House, this debate has convinced me that human nature is very much the same in Congress as it is back home or out on the street. It is difficult to eliminate the human equation, the personal interest from our consideration of legislation and our vote thereon. It is very much easier for us to give favorable consideration and affirmative vote on matters which benefit or which do justice to our home State, our home district, or to ourselves personally. Coming over this morning my good friend and colleague told me he hoped this bill would not prevail, because it took away from his State and added to my State. That was his reason, frankly expressed, for his opposition to this legislation.

I have much sympathy for those who feel that this legislation adversely affects the States which they represent or adversely affects their personal fortunes. Fortunate it is that this legislation is anticipatory in character and that the Members who feel that their personal fortunes are adversely affected will have at least four years' time in which to readjust themselves to the new conditions which will have to be met by them. However, we can not let personal interest conflict with our solemn, sworn duty.

Our Government is established upon the principle of political equality of all citizens, and every man and woman in this country is supposed to have equal representation in the popular branch of our legislative department. The shibboleth to which our Revolutionary ancestors rallied was "no taxation without just representation," and so it was that the fathers of this Government wrote into the same article of our Constitution, into the same section, and into the same sentence a statement that direct taxes shall be borne and Representatives in Congress shall be apportioned among the several States according to the number of persons therein.

The fathers of our Government were so determined about this that they wrote the explicit mandate into the Constitution that the enumeration for reapportionment should be made every 10 years. To argue that there is not a direct, specific, mandatory provision in the Constitution for decennial reapportionment is but to quibble. That this is so is best evidenced by the fact that for 130 years, the first 130 years of the existence of our Government, the Congress did not hesitate and did not fail to reapportion promptly every 10 years.

Most of us can see the things close at hand better than we can see those things that are far away, and therefore I am going to refer to the condition which exists in my own district and in my own county as an illustration of why the fathers of our Government were wise in their mandate that the popular House of the legislative branch of our Government should be reapportioned every 10 years. By the 1910 census, which was the last census under which a reapportionment was had, the city in which I live, Los Angeles, Calif., had a population of 200,000 people. It has grown tremendously since that time, until it now has a population of 1,300,000 people, and it is estimated that in 1930, when this reapportionment will be made, it will have a population of 1,500,000 people.

There are two districts in Los Angeles County. The district which my colleague represents has a population within 200,000 as large as my district. I have the official figures as of May 1 of this year on the number of registered voters in Los Angeles County. In the ninth district, which is represented by my colleague, there were on May 1, this year, 338,227 registered voters. In the tenth district, which I have the honor to represent, there are approximately 50,000 more registered voters, or a total of 384,198 registered voters, a grand total in the county of Los Angeles, Calif., of 722,525 registered voters.

It is estimated that by the time of the general election this fall there will be 400,000 registered voters in the tenth district and 350,000 registered voters in the ninth district, or a total of 750,000 registered voters. Statisticians say that there are approximately four people for every registered voter. Multiply the registered vote in Los Angeles County by 4 and you have approximately 3,000,000 people. There are 38 States in this Union which do not have a population of 3,000,000 people. Under reapportionment there would be considerably less than 300,000 people in each congressional district. The two congressional districts which we have in Los Angeles County should not exceed 600,000 people. If reapportionment is not made, as required by the Constitution of this country, there will be literally 2,400,000 people in Los Angeles County who are not represented in the popular House of our Congress. There are 28 States in this Union which do not have a population of 2,400,000.

Take my district with its 1,500,000 people and its one Representative. If reapportionment is not had there will be 1,200,000 people in that district who are not represented in this House. There are 18 States in this country which do not have a population of 1,200,000. And when I say that these people are not represented, or will not be represented, I mean exactly what I say, because the Representative from that district of 1,500,000 people does not have any more votes in this House than does the Representative from the district of the average population of this country of less than 250,000. Moreover, Representatives are all on the same basis here according to their length of service, and a Representative of 1,500,000 people does not have any more clerk hire to take care of the wants and demands of his constituents than does the Representative from the average district. He does not have any more office space. He does not have any more CONGRESSIONAL RECORDS for distribution, nor any more Congressional Directories for distribution. He does not have any more appointments to the Naval Academy at Annapolis. He does not have any more appointments to the Military Academy at West Point. Benefits of Government are largely distributed according to congressional districts, and it is literally true that 1,200,000 people in my district will have no representation in this House of Congress unless we reapportion.

I like to cite the State of Iowa as an illustration. Nobody can take offense, because I was born and raised in Iowa, and Iowa is represented in Congress by as fine a group of men as any State in this Union. Under the last census Iowa had a total population of less than 2,500,000 people. It will probably not have so many in the census of 1930. Iowa has 11 Members of Congress and Los Angeles County, with several hundred thousands more people in it than the whole State of Iowa, has only 2 Members of Congress. The Iowa State Society of Southern California claims that there are 400,000 former Iowans living in southern California. I believe this is true, because literally there are hundreds of thousands of former Iowans who attend the Iowa picnics, which are held twice each year. The point is that those former Iowans, although they live in California and owe their allegiance to the State of California, are still represented in this House of Congress by men from Iowa, some of whom have never even seen the State of California and who know little of its needs or its aspirations.

If a just and fair reapportionment were made the tenth district of California, which I represent, would be cut into five congressional districts and the ninth district of California, which is also in Los Angeles County, would be cut into four congressional districts.

The Fenn bill which is before us is a splendid measure. It more nearly meets the composite view of the Members of this House on reapportionment than any other bill which could be devised. Of course, as long as we have individual thought and individual expression there will be differences in opinion as to detail. The Fenn bill is a good bill, it is practical, and it should be adopted.

Under the provisions of this bill the membership of the House will be retained as now, at 435. A larger membership would be intolerable. There are so many of us now that the work of the House is cumbersome, inefficient, and difficult. Special rules have been devised which bind and gag and largely make impotent efforts of individual Members, and this is necessary in order that so large a group of men may function at all.

The founders of our Government realized that the legislative branch of the Government could function better if it was composed of only a small group of Members. The original thirteen States had a total of 65 Representatives in Congress, or an average of 5 Representatives to each of the States. If there were an average of 5 Representatives to each State at the present time, this House would have a total membership of 240, which would be much more sensible and much more workable than the present membership of 435. The House could not do a wiser thing, a more patriotic thing than to reduce its membership to 240 Members, but I assume that that is out of the question. However, we should not take the easy, though foolish, course of increasing our membership so that no State will lose a Representative.

By 1830 the membership of the House had been increased to 242. That the Members of the House then thought that they had reached the limit of expansion and that the House could not adequately function if there was a larger membership is attested by the fact that in 1840 a reapportionment was made which reduced the membership from 242 to 232, and for the next 40 years reason prevailed, and although nine new States were added, there was no perceptible increase in the number of Representatives during all of that time. So that when the reapportionment was made in 1870, there was only one more Representative in Congress than there was in 1830.

Objection is made to this bill because it is anticipatory and therefore not necessary, but this is a very salutary provision, because if the rule is laid down before the census is taken, no Representative can know which State will be adversely or favorably affected by the method of apportionment which is adopted. In any event, only one or two or three States can be affected by the method of apportionment which is adopted. This bill provides for the method of major fractions. I have given it considerable study and I believe it to be the best and fairest method that can be adopted; but if the method had to be adopted after the census were taken, some Members would be complaining that the method of equal proportion would be better, or that the method of rejected fractions would be better, or that the method of minimum range would be better. It takes a high-powered mathematician to know the differences between these methods, and to tell the truth it would take a microscope to tell the difference in the results obtained by the different methods. The method is not of great importance. The important thing is that we adopt now some particular method.

The objection is raised that this bill delegates legislative powers to the executive branch of this Government. There is nothing in this contention. The Congress of 1850 did the same thing. I do not claim to be a greater student of our form of government than the rest of you. We all know that it is the duty of Congress to say what shall be done and how it shall be done, and that it is the province and the duty of the executive branch of this Government to execute or administer the mandate of Congress after Congress has decided what should be done and how it should be done; and that is what this bill provides. This bill provides that there shall be a reapportionment of Representatives among the States under the census of 1930 and directs that this reapportionment shall be made by the method of major fractions. It does not delegate any legislative powers to anybody. It simply directs the executive branch of the Government to administer or carry into effect the provisions of the bill. What shall be done and how it shall be done is declared by Congress, and the power is retained by Congress to change its mind; to change the method by which the apportionment shall be made; to change the number of the Representatives which shall be apportioned among the States. The power is retained in Congress to go ahead in 1930 and any other time and reapportion itself if it wishes so to do. The bill only provides that in the event that Congress does not itself reapportion in 1930 that an automatic reapportionment shall be made under the census which shall be taken by the Census Bureau under the direction of the Secretary of Commerce and under a method which has been fixed by the Congress itself.

There is no merit to this claim that Congress is giving away its legislative powers.

I am not impugning motives when I say that the opposition to this bill is organized and carried on by Representatives of States which have an unfair number of Representatives in this House and whose State delegations will be reduced by constitutional reapportionment. Every Member who has spoken in opposition to the bill represents a State which would lose Members by reapportionment. I have before me the report of the minority on the Committee on the Census in opposition to this bill. I notice that the ranking member of those who express opposition to the bill is the able and adroit Member from the State of Mississippi, which State would lose two Representatives under reapportionment. It is next signed by the distinguished gentleman from Indiana, which State would lose two Representatives under reapportionment. The next signer is a gentleman from Missouri, which State would lose three Representatives under reapportionment. It is signed by my friend from Kentucky, which State would lose two Members under reapportionment. It is signed by the member of the Census Committee from New York City. New York would lose one Member under reapportionment. It is signed by my good friend, the gentleman from Louisiana, which State would lose one Member by reapportionment.

The fact that these States lose Representatives under reapportionment does not mean that they are going to be unfairly treated. These States are going to have their just and fair apportionment. What it does mean is that the States which are not now fairly and justly treated as to representation in Congress shall be fairly and justly treated also.

This is not the first time that sovereign States have lost representation in Congress under reapportionment. In 1830, 4 States out of 25 lost by reapportionment. In 1840, 15 States out of 26 lost by reapportionment. In 1850, 8 States out of 31 lost by reapportionment. In 1860, 13 States out of 33 lost. During this period the State of Virginia lost 10 Representatives in Congress and the State of New York lost 9 Representatives in Congress.

During this period 15 States out of a total of 26 States lost Representatives by reapportionment. A full majority of the States lost. This bears witness to the high sense of duty and admirable patriotism of the statesmen of that period. Under this bill only 17 States out of a total of 48 lose Representatives. During the period which I have mentioned the States named lost 59 Representatives. Under this bill only 23 Representatives are lost.

As I have stated, one of the nicest things about this bill is that it gives the Members of the States which will lose representation at least four years in which to adjust themselves to the changed conditions.

If this bill fails of passage, I doubt very much that we will have reapportionment in 1930 or ever again. What then will become of representative government?

I have told you how my State would profit by reapportionment. I do not advocate the passage of this bill on such a selfish ground. Let us not consider this bill or pass it because it benefits some States or because it takes away from others, but let us consider it and let us pass it on the broader, higher grounds of right, justice, and fair play, and because it is in obedience to the solemn mandate of the Constitution of our country.

We hear a great deal lately about the lack of respect for our institutions and the violation of our laws. Our time-honored Constitution has been ignored, violated, mocked at, and nullified. It has become a national disgrace. This condition has not been improved by the fact that the Congress, which is composed of the lawmakers themselves, have for eight long years ignored, disobeyed, and violated those plain provisions of the Constitution which make it obligatory upon us to reapportion Representatives in Congress every 10 years.

My colleagues, we are the lawmakers of this land. The people expect much of us. We love our country. We revere its flag. Shall we not then respect its Constitution and ourselves set the good example by obeying its laws? [Applause.]

Mr. RANKIN. Mr. Chairman, may I ask how the time stands?

The CHAIRMAN. The gentleman from Mississippi has 23 minutes remaining and the gentleman from Connecticut has 23 minutes remaining.

Mr. FENN. Mr. Chairman, I yield three minutes to the gentleman from Florida [Mr. GREEN].

Mr. GREEN. Mr. Chairman, I will say in the beginning that I am for reapportionment. I want to support the bill and I expect to vote for the bill, but I would like to say to my colleague that if Appendix C in Report 1137 is correct, there certainly is a gross discrimination in this bill. I have calculated it and according to this in Michigan, if they receive 17 Members, a Member will represent approximately 220,000 people. In Florida, if we receive five Members, a Member will represent approximately 299,800. In Maine, if they receive three they will represent approximately 266,000 persons.

Mr. HUDSON. How many does the gentleman represent now?

Mr. GREEN. We will have according to this statement 1,489,000 in the State of Florida in 1930, and we would have only five Members according to this tabulation. In order for Florida to have 17 Members of the House, she would have to have 6,097,000, while Michigan, with 4,744,000, is entitled to 17.

Now, gentlemen, something is wrong. I wanted the gentleman from New York, Doctor JACOBSTEIN, who is so good at figures, to explain this, but the gentleman did not yield. I would like some member of the committee to explain why it is that in my State we would have to represent 299,800, in Maine they have to represent 266,000, and in Michigan they can represent 220,000, and likewise in California.

Gentlemen, something is wrong. I am going to vote for the bill, but I appeal to you to make it right.

Mr. FENN. May I ask the gentleman from what he is reading?

Mr. GREEN. It is Appendix C of Report No. 1137. If this report is correct, it is a most unusual condition. I hope this is an error.

Mr. LEA. What is that taken from?

Mr. GREEN. Page 11, Appendix C. Michigan, with 4,754,000, will receive 17 Members, which is a basis of 220,000. In Florida, where we have approximately 1,500,000 people, we will receive 5 Members, just 1 more than we have now, and 1 Member will represent over 299,000.

Mr. JACOBSTEIN. How many does the gentleman represent now?

Mr. GREEN. We have four Members and over 1,500,000 population.

Mr. JACOBSTEIN. You would rather have it handled in this way?

Mr. GREEN. Yes.

Mr. JACOBSTEIN. I am sure those figures are not right.

Mr. GREEN. But I believe that the people of the States, whether they are in a Democratic or Republican State, whether they are in the North or in the South, are entitled to equal representation in this body.

Mr. WOODRUFF. The Constitution guarantees that.

Mr. GREEN. And we want and expect our rights. I hope this is an error.

Mr. LEA. It is manifestly a mistake of computation.

Mr. GREEN. I hope the gentleman is right about it; but I trust the Census Committee will investigate it, to the end that representation in this body will be absolutely in accordance with population. In Florida, it appears to me, we should receive at least six Members under a reapportionment.

Mr. FENN. Mr. Speaker, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CHINDBLOM, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 11725) for the apportionment of Representatives in Congress, had come to no resolution thereon.

MESSAGE FROM THE PRESIDENT

The SPEAKER laid before the House the following message from the President of the United States:

To the House of Representatives:

In compliance with the resolution of the House of Representatives of May 16, 1928 (the Senate concurring), I return herewith the bill (H. R. 9568) entitled "An act to authorize the purchase at private sale of a tract of land in Louisiana, and for other purposes."

CALVIN COOLIDGE.

THE WHITE HOUSE, *May 17, 1928.*

PURCHASE OF TRACT OF LAND IN LOUISIANA

Mr. MARTIN of Louisiana. Mr. Speaker, I ask unanimous consent for the immediate consideration of a concurrent resolution, which I send to the Clerk's desk.

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

The Clerk read as follows:

House Concurrent Resolution 38

Resolved by the House of Representatives (the Senate concurring), That the action of the Speaker of the House of Representatives and of the Vice President in signing the bill (H. R. 9568, 70th Cong., 1st sess.) to authorize the purchase at private sale of a tract of land in Louisiana, and for other purposes, be rescinded and that in the enrollment of such bill the number "58" be stricken out and the number "158" be inserted in lieu thereof.

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

There was no objection.

The resolution was agreed to.

WAR DEPARTMENT RESERVE SUPPLIES OR EQUIPMENT

The SPEAKER laid before the House the following veto message from the President of the United States:

To the House of Representatives:

Herewith is returned, without approval H. R. 7752, a bill to limit the issue of reserve supplies or equipment held by the War Department.

This bill provides that no issues of reserve supplies or equipment shall be made where such issues would impair the reserves held by the War Department for two field armies or 1,000,000 men, except supplies or equipment becoming obsolete, deteriorated, or useless.

For several years the annual appropriation acts for the War Department have included a provision that under the authorizations therein contained no issues of reserve supplies or equipment shall be made where such issues would impair the reserves held by the War Department for two field armies or 1,000,000 men. The authorizations to which this provision directed itself were those embraced in the annual appropriation acts for the War Department covering the issuance of uniforms, equipment, or matériel to the National Guard, the Reserve Officers' Training Corps, and the civilian military training camps from the surplus or reserve stocks of the War Department. Bill H. R. 7752 goes far beyond the scope of the provision which has appeared in the annual appropriation acts for the War Department. It virtually sets aside these reserve supplies and equipment and precludes their issue for any purpose where such issues would impair the reserves held by the War Department for two field armies. In cases of emergency happening within any of our States, involving the loss of life or property, the War Department has been the principal Federal agency to render assistance. The ability of the War Department to respond in these cases is necessarily measured by the availability of the supplies and equipment necessary to proper relief. If the War Department be precluded from using these reserve supplies and equipment in case of actual and imperative call, its effectiveness as an agency to relieve distress is diminished. It is my understanding that the War Department thinks this measure too restrictive.

I do not understand that it was the intention of the Congress to place any restriction on the use of these reserves in real emergencies where the aid of the Federal Government is necessary to relieve the suffering and distress of the people. Rather do the reports on this bill indicate that it was the intention of the Congress simply to enact into permanent legislation the provision which has appeared in the annual appropriation acts. If this proposed legislation carried out only this intention, I would have no objection to offer to it, but for the reasons stated I am returning the bill without my approval.

CALVIN COOLIDGE.

THE WHITE HOUSE, *May 17, 1928.*

Mr. MORIN. Mr. Speaker, I move that the message be referred to the Committee on Military Affairs.

The motion was agreed to.

The message was ordered to be printed, and the President's objections entered in the Journal.

HAVERT S. SEALEY AND PORTEUS R. BURKE

Mr. MARTIN of Louisiana. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 3470, with Senate amendment, and concur in the Senate amendment.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to take from the Speaker's table the bill H. R. 3470 and agree to the Senate amendment. Is there objection?

There was no objection.

The Clerk read the title to the bill, as follows:

A bill (H. R. 3470) granting relief to Havert S. Sealey and Porteus R. Burke.

The Senate amendment was read and agreed to.

SUNDAY OBSERVANCE

Mr. LANKFORD. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on my record as a Member of Congress and to have printed in connection therewith some remarks of others both complimentary and uncomplimentary.

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

There was no objection.

Mr. LANKFORD. Mr. Speaker, no man can fight for a truly great principle here without making himself the target of those he opposes. The greater his efforts, the greater the opposition. In Congress, as in war, we must fight, surrender, or retreat. Why join the Army but to fight, and why come to Congress except to get into the thickest of the contest? Why fight in war or in Congress except for the right? The justice of one's cause does not protect him from the awful bombardment of the enemies of truth and right.

In fact, I am always strengthened in my faith in my efforts when there is an awful bombardment set up by the opposition. In all my efforts here I have gained the good will of some and created the enmity of others. I naturally feel I have merited and have the good will of the best people and that those who would destroy me would feel the same way about anyone battling for the right. My endeavors for farm relief have brought down on me the wrath of those who wish to exploit the farmers. My humble efforts for Sunday legislation made me the object of the hatred and the bitter abuse of those who hate everything which interferes with their exploitation of men, women, and children or their desire to destroy Sunday as a day of rest.

My efforts in behalf of the white women of the South and Nation gained me no friends from those who put the selfish desires of either white or black men ahead of the best interest of the whole people. The enemies I have made, though, in every contest are those who are the enemies of my people. I have only helped to bring them into the open. Thousands of newspaper items and letters have denounced me. Even more of the best people have praised me. The good things my people say in my behalf help me to bear the evil thrusts and enable me to gird myself for a mightier contest.

This world we are living in
Is mighty hard to beat—
You get a thorn with every rose,
But ain't the roses sweet?

Mr. Speaker, I wish to perpetuate in the CONGRESSIONAL RECORD just a few of the truly wonderful things that have been said about me. I shall have printed a few of the uncomplimentary things that others have said of me. Many are unprintable and there are others I do not feel deserve a place in the RECORD. I prefer compliments rather than abuse, and shall, therefore, present to the public more roses than thorns. I appreciate as one of the very greatest compliments I ever received an article carried by the Atlanta Journal during March of last year, and penned by the beloved Bishop Warren A. Candler, of Georgia, in language as follows:

WISE WORDS IN SUPPORT OF A WISE MEASURE

By Bishop Warren A. Candler

Hon. WILLIAM C. LANKFORD, who represents the eleventh congressional district of Georgia in the Federal House of Representatives, introduced a wise measure when he offered his bill to prohibit in the District of Columbia Sunday theaters, Sunday baseball, and all forms of commercialized amusements on the Sabbath day.

While the bill failed of adoption by the Sixty-ninth Congress, it is to be hoped that it will be passed by the Seventieth Congress.

In a speech delivered in support of the measure, Mr. LANKFORD said many wise things which deserve the approval of all patriotic citizens. Among other points made by him in favor of the bill, he is reported to have said:

"I believe that our Nation can never be greater than our citizenship, our citizenship never greater than our homes, our homes never greater than the children reared therein, and our children, who are to preserve this Nation if it is to endure, can never be greater than is the faith of their fathers and mothers in God and in the teachings of His Word.

"I believe that the example of flagrant Sunday desecration in the Nation's Capital and the turning away from God, of which Sunday desecration is a part and parcel, are more insidious and more dangerous to our Nation and all the people thereof than the invasion of a foreign army or the bombardment of a hostile fleet.

"I believe the city of Washington should be the Nation's model of righteousness rather than its Sodom of ungodliness."

Of course, in certain quarters his bill will be denounced as a "blue law," and his utterance condemned as fanatical. That kind of cant is always applied by some to any and all efforts to preserve the Christian Sabbath and protect it against the attempts of greedy covetousness to overthrow it in order to get gain from the schemes of corrupt commercialization. But Mr. LANKFORD'S contentions are amply justified by the history of our country, and they are sustained by the wisest and purest statesmen of our own and other lands. He is in good company when he seeks to maintain one of the most indispensable pillars of social order and stable government.

Blackstone, the celebrated commentator on the common law, says:

"Profanation of the Lord's day, vulgarly (but improperly) called Sabbath breaking, is a ninth offense against God and religion, punished by the municipal law of England. For, besides the notorious indecency and scandal of permitting any secular business to be publicly transacted on that day in a country professing Christianity, and the corruption of morals which usually follows its profanation, the keeping one day in seven holy, as a time of relaxation and refreshment, as well as for public worship, is of admirable service to a State, considered merely as a civil institution. It humanizes by the help of conversation and society the manners of the lower classes, which would otherwise degenerate into a sordid ferocity and savage selfishness of spirit; it enables the industrious workman to pursue his occupation in the ensuing week with health and cheerfulness; it imprints on the minds of the people that sense of their duty to God, so necessary to make them good citizens, but which yet would be worn out and defaced by an unremitted continuance of labor without any stated times of recalling them to the worship of their Maker."

The renowned British statesman, Hon. William E. Gladstone, was not a fanatic, and in a speech before the House of Commons, opposing the opening of museums on Sunday, he said:

"From a long experience of a laborious life, I have become most deeply impressed with the belief—to say nothing of a higher feeling—that the alternations of rest and labor at the short intervals which are afforded by the merciful and blessed institution of Sunday are necessary for the retention of a man's mind and of a man's frame in a condition to discharge his duties, and it is desirable as much as possible to restrain the exercise of labor upon the Sabbath, and to secure to the people the enjoyment of the day of rest."

Concerning the same matter the Earl of Beaconsfield (Disraeli, who was a Jew) said:

"Of all divine institutions, the most divine is that which secures a day of rest for man. I hold it to be the most valuable blessing ever conceded to man. It is the corner stone of civilization, and its fracture might even affect the health of the people. The opening of museums on Sundays is a great change, and those who suppose for a moment that the proposal could be limited to the opening of museums will find they are mistaken."

That noble and saintly man, Dean Stanley, while the subject was engaging the attention of the British people, said:

"I believe there are very few in this country who would not feel that it was immense gain to the solidity, the seriousness, the elevation of the English character, that on at least one day in the week there should be an interruption in the perpetual course of amusements and entertainments which, however innocent, tends to dissipate and distract the mind, and from which it was a great advantage to every thinking man to be from time to time disengaged and delivered."

The famous John Bright said in a speech before the House of Commons:

"The stability and character of our country and the advancement of our race depend, I believe, very largely upon the mode in which the day of rest, which seems to have been specially adapted to the needs of mankind, shall be used and observed."

The most eminent of Amercian statesmen have held and expressed similar views with respect to the observance of the Sabbath.

Hon. Thomas F. Bayard, who represented for many years the State of Delaware in the Senate of the United States, who sat at the head of the Cabinet during Mr. Cleveland's first administration, and who

served as the ambassador of our country to the British Government, was a man of the most sober and sane judgment. He said:

"I most sincerely approve of the civil institution of the Sabbath. I heartily desire to see its observance under statute law, and the stronger law of habitual and universal custom and popular acquiescence."

Justice Strong, of the Supreme Court of the United States, made the following declaration concerning our Sunday laws:

"There is abundant justification for our Sunday laws, regarding them as a mere civil institution, which they are, and he is no friend to the good order and welfare of society who would break them down or who himself sets an example of disobedience to them.

"They appeal to each citizen as a patriot, as an orderly member of the community, and as a well-wisher to his fellow men, to uphold them with all his influence and to show respect for them by his conduct and example."

That superb Virginian, the late Judge John Randolph Tucker, went on record in these strong words:

"Ah! my friends, break down the fence of Christianity, and liberty and law and civilization will perish with it. I wish to testify my belief, that the institutional custom of our fathers in remembering the Sabbath day to keep it holy, as the conservator of their Christian religion, is the foundation of our political system, and the only hope of American freedom, progress, and glory. Just in proportion as man is governed by his sense of right and duty, or by the religious principle in some form or other, he is capable of and fitted for duty. But, on the other hand, in proportion to his disregard of moral law, or the law of conscience, does the need of external power increase. Liberty must grow less, and power tend to despotism. When the constitution and laws of a country, therefore, protect religion they conserve that internal power over the man which saves liberty and makes despotism impossible."

Justice McLean, of the Supreme Court of the United States, made the following emphatic and unequivocal declaration:

"Where there is no Christian Sabbath, there is no Christian morality; and without this, free institutions can not long be sustained."

Mr. LANKFORD may well ignore the flippant talk of whippersnappers about "blue laws" when he considers the nature and lofty utterances of these eminent men.

We shall hear doubtless the stock misinterpretation of the words of Jesus by which men of lax views seek to justify infraction of the Sabbath laws. They will say, as they have said a thousand times and more, that "the Sabbath was made for man and not man for the Sabbath."

True the Sabbath was made for man, and not by man. God made it in mercy to man. It is a divine and perpetual institution.

It was made for man, for universal mankind, and is therefore something more than a local or transient institution for some lands or some sections. It is designed for observance everywhere and always.

When, by any means, men are deprived of it they are robbed of an inestimable treasure and an immeasurable blessing.

The late Dr. David Swing, of Chicago, was a liberal of liberalists, but even he perceived and proclaimed these great truths. In language both beautiful and forcible he said:

"Be Sunday ever so valuable as a day of positive worship of God, it possesses the additional value of being a blessed season for man, not as a Christian or as a deist, but for man as a rational, and emotional, and toiling, and resting creature.

"A Sabbath for man is something so vast that in order to measure the idea it would be necessary to measure first the idea of man. Could we estimate the being for whom the day of rest was made, could we learn how much love and thought his home demands, could we find the value of his self-introspection, the value of his meditations, could we appraise man's imaginations, and fancy, and poetry; could we learn how deeply his soul needs an altar and a hymn, and understand the mystery of the death which awaits him, we might out of such rich premises learn the value of his seventh day—that day of intellectual and physical liberty."

Mr. LANKFORD merits praise for framing and introducing his bill, and his defense of it was most creditable and cogent.

It is a wise measure wisely advocated by the Congressman from the eleventh district of Georgia.

I am most appreciative of an item recently carried by the Atlanta Constitution and written by that prince of authors and beloved evangelist, the Rev. Sam W. Small, as follows:

A GEORGIA MEMBER WHO HAS NATIONALIZED HIMSELF

Barring Senator GEORGE in the rôle of a presidential possibility, the Georgia Member of Congress who has breezed into the national spotlight and got himself applauded and abused from land's end to land's end, is Hon. WILLIAM CHESTER LANKFORD, of the eleventh congressional district.

The reason of his prominence, accompanied by so great popularity and unpopularity, is that he is the author and persistent pusher of a bill to provide a decent, orderly, American-style Sunday rest day in the Capital City of the Nation.

Because of that the Seventh-day Adventists, aided and abetted by the National Anti-Blue Law Association, the Free Thinkers, and the Association for the Promotion of Atheism, have turned all their guns of opposition and denunciation upon the bald and bland and biblical "gentleman from Georgia."

The Adventists in particular have stirred up their 262,000 members in all parts of the land to circulate petitions praying the Congress not to pass the Lankford bill. The petitions are signed by almost anybody who is solicited, and, as probing has shown, represent scarcely any thought or convictions on the subject of whether a weekly rest day law is needed in the Federal district or not.

These perfunctory petitions come to Washington by almost every mail from the paid agents of the associations above named. They are presented in either House by the Member to whom sent and are stacked in the committee rooms like so much firewood and forgotten. The members of the committee know how the petitions are "framed" and put no value upon them.

The Lankford bill is fashioned upon the most conservative lines and its purpose is simply to prevent the degradation of Sunday from a protected rest and worship day into a continental fest day, commercialized for the personal profit of the purveyors of sports, shows, and recreations that are scarcely decent at any time.

The bill is not propounded as a religious, or sectarian, or blue law measure. It impinges no liberty of conscience, denies no freedom of religion, violates no principle of the Federal Constitution, and injures no man in the equal rights to which he is lawfully and naturally entitled.

Most of the States of the Union have now, and have had from their foundation, much more drastic Sunday observance laws than the Lankford bill proposes for the Capital City of a boastful "Christian nation."

But Judge LANKFORD has certainly had the vials of 57 varieties of wrath poured upon him from pulpits, polytheistic purlieus, and jazz parlors. The sincere Seventh-day Adventist people have been decently indignant and take no part in the foul abuse heaped upon the Congressman. It is the uncircumcized heathens of the ball parks, the race tracks, the sensational shows, and the omnium-gatherum and morally dangerous dance halls who are uttering vile anathemas upon the Georgia Congressman.

On the other hand, he is approved and encouraged by the clean and Christian men and women of the Nation who feel the humiliation of a sneering world looking upon "a wide-open Washington." They hope the good people of Georgia will hold Judge LANKFORD on the job until he succeeds in giving the Nation "a clean Capital City."

On two Sundays last year I made speeches at the Lutheran Reformed Church at Hagerstown, Md., and learned to love very much their minister, Dr. Conrad Cleaver, and his lovable people. I wish to quote a brief but most highly appreciated statement from my esteemed friend, Doctor Cleaver, as follows:

To the Hon. W. C. LANKFORD: Daniel in the lions' den was scarcely to be compared to you in fighting for a Lord's day to be kept in Washington, D. C. May Daniel's God preserve you and give you a like victory.

About two years ago, while going out West, I had the good fortune to have as a traveling companion, for about two days, Dr. Samuel Judson Porter, pastor of the First Baptist Church in Washington, D. C. He was going West to spend some time at a camp meeting at Marfia, Tex., where he tells me he has spent several delightful vacations. I was on a trip to spend some time with my wife and two children, who were in New Mexico on account of the illness of my little son, Cecil.

Doctor Porter and myself soon found that we lived in Washington, and, therefore, were able to pass the time discussing matters familiar to both. A strong friendship ripened between us, and it has been my pleasure to hear him preach on several occasions since. I am truly grateful to him for a recent letter as follows:

MY DEAR SIR: I am writing to thank you for the two addresses which you delivered in our church on behalf of Sunday observance in the District of Columbia. Also I want you to know that our church and congregation appreciate your efforts in this direction and offer you their heartiest encouragement.

On the occasion of your Sunday evening address before our people, a member of the President's Cabinet was present, and expressed himself most favorably in commending your speech.

With every good wish and with assurance of highest personal esteem, I am,

Yours sincerely,

SAMUEL JUDSON PORTER.

A letter received a short time ago from Dr. W. S. Abernethy, pastor of Calvary Baptist Church, of Washington, D. C., the church home of President Warren G. Harding, and which has a membership of 3,000, is very highly appreciated by me, and is as follows:

MY DEAR CONGRESSMAN: I feel that you ought to know how one minister, at least, in Washington, regards your efforts to give the District of Columbia a Sunday observance law. When I remember that there are but two States in the Union that have no law of this kind on the statute books, and that here in the Nation's Capital there is nothing to interfere with the commercializing influences, which are rapidly degrading the Lord's day, I am profoundly thankful that we have in Congress a man like yourself who realizes the danger, and is putting forth such heroic efforts to change the situation.

May you have success in your undertaking. We do not want it to appear that a Sunday observance law is an effort to compel people to go to church. That is furthest from your thought. We do, however, believe that the Lord's day is worth preserving. I personally want to thank you for what you are doing.

Very sincerely,

W. S. ABERNETHY.

The laboring forces of America, through their very efficient headquarters here, keep in close touch with legislation and other matters pertaining to their interest. Labor, their official organ here, with its store of information, is in position to advise the working classes concerning the record of each and every Member of Congress. For these reasons I prize most highly an article from the "Question box" of that splendid paper, as follows:

(J. C. W., Waycross, Ga.)

Congressman WILLIAM C. LANKFORD has represented the eleventh district of Georgia in the House of Representatives for 10 years. He has an exceptionally fine labor record, having voted with the workers on every issue which has come before Congress in the last decade.

Mr. LANKFORD is the son of a section laborer, and he was reared on a farm. Labor is in a position to testify that he has never forgotten the interests of either the farmers or the industrial workers since he came to Washington.

He should be renominated in the coming primary. Congress needs more men of the LANKFORD type.

Hon. Charles I. Stengle, editor of the National Farm News, of Washington, D. C., is an ex-Member of Congress, and in closest touch with legislative procedure, as well as all matters of interest to the farmers of the Nation, and I wish to thank him for his kind letter of recent date, from which I quote, as follows:

I want to assure you of my sincere hope that your campaign for reelection may be very successful. You deserve well at the hands of your constituents and I trust they will fully appreciate the good work you have done.

The Fellowship Forum, published in Washington, a leading fraternal periodical of the Nation, recently carried in its question-and-answer column the following:

Explain the nature of the Lankford Sunday bill. Has it anything in it that favors Roman Catholicism? Is Mr. LANKFORD a Roman Catholic?

The Lankford bill is a bill to limit the activities of commercialized amusements, especially baseball and pool rooms, on Sunday and to reduce to a necessary minimum all business on that day. We do not consider that it is favorable or unfavorable to Roman Catholicism. Mr. LANKFORD is a Protestant and a member of the Masonic fraternity.

I shall not attempt to quote any considerable number of the many, many letters, newspaper items, and petitions which I have received commending my work as a Member of Congress. I am purposely not quoting any from my own district, although I have more complimentary items from my good people than from all the rest of the Nation. Many of these I prize most highly and shall always preserve as a sacred token of the good will of those I have endeavored to serve. It is my purpose now to merely indicate just how some of the people who do not live in my district show their appreciation of my efforts here.

Here is a letter written by a good lady of Philadelphia, who, by the way, is evidently of the Quaker belief:

Congressman LANKFORD.

HONORABLE FRIEND: I have read that you have introduced a bill in Congress for a "Sunday day of rest." Let us hope it will pass and be a law for the whole Nation.

To have a quiet Sunday would indeed be a gift from heaven. I would like to thank thee for thy wisdom and goodness. I am an old American woman of many generations, 63 years old.

We will never meet in this world, but some day in the "Golden Hands" we will meet, and I will tell God about thee and the good deed you did for the American people. I say with all my heart God bless Congressman LANKFORD and add all good gifts to his life, health, happiness, and honor. I thank you.

I had rather have a good letter like this from some good person than to have the praise of all the Sunday haters and all the atheists of all the earth.

Here is a letter which I appreciate very much and which was written me on February 2, 1926, by the chairman of the board of directors of the Marine Trust Co., of Atlantic City, N. J.:

Hon. WM. C. LANKFORD,

Washington, D. C.

DEAR CONGRESSMAN: I have read the CONGRESSIONAL RECORD as far as the 22d of January. After I retire each night I try to keep up with the proceedings in the House and Senate, but as they are talking in two Houses and I am reading in one bed, I can not keep up with both.

In the last year there has been no speech made in Congress equal to that which you delivered on the 22d of January about the "right of States and usurpation of these rights by the modern method of reference to committees."

I am writing to ask if you can tell me what price we can get 2,000 copies of your speech, because at our board meeting this morning I spoke to the members of our board and they agreed with me that we will mail a copy of your speech to every one of our depositors, and we will pay you to get for us 2,000 copies. We want to stamp on each one "With compliments of the Marine Trust Co." Will you advise me how to bring this about?

I was born in 1860 and the furthest I can remember back in my life was at Twenty-second and Callowhill Streets, Philadelphia, where a man hit me for shouting "Three cheers for General McClellan!" who was running against Lincoln, so you see I came from a Democratic family, which in these days means nothing; but it surprises me that the best speech of Congress for the last year should come from Georgia, and I salute you with appreciation.

Very truly yours,

WM. RIDDLE.

I appreciate very much the following statement carried by the Christian Statesman, of Pittsburgh, Pa.:

CHAMPION OF THE SABBATH

In Congressman WILLIAM C. LANKFORD, of Georgia, the Sabbath has a real friend and an able champion. It was his high appreciation of this institution and the marked disregard of it at our National Capital that had led him to introduce the bill now before Congress to secure a Sunday law for the District of Columbia.

The following extracts from Mr. LANKFORD'S address before Congress show his ability in defending the bill, and also reveal conditions in Washington which led him to introduce it and which call for its passage.

"Very few people realize that in the Capital of the greatest Christian nation on earth there is no Sunday observance law. Washington, the Nation's Capital, should be the country's model of righteousness rather than its Sodom of ungodliness.

"It is contended that we are intolerant and opposed to religious freedom, if we favor a reasonable Sunday observance law for the Nation's Capital.

"It is a new idea that present-day movie shows and Sunday baseball are religious institutions and that anyone who suggests there should be a law to prevent the operation of these on Sunday is guilty of religious intolerance.

"Where is the religious intolerance that would prevent a crew of men operating a steam shovel or an electric hammer on a building site or partly constructed building next door to a church during services on Sunday?

"Most people do not understand that religious liberty means the infliction on the public of the profanity of the pool room, the vulgarity of the modern movie theater, and the obscenity of the ordinary dance hall on every Sunday of the year.

"The great trouble is there are some folks who mistake freedom of religion for freedom to destroy all things moral and religious."

It is of great advantage in this campaign to have such an able advocate and stanch defender of the Sabbath, looking after the interests of the bill in Congress, as Mr. LANKFORD.

I now wish to quote from the Lord's Day Leader, of New York, issue of May and June, 1926, a statement for which I am truly grateful:

HON. WILLIAM C. LANKFORD, WHO INTRODUCED THE SUNDAY REST BILL FOR THE DISTRICT OF COLUMBIA

It affords us more than passing pleasure to write this sketch, which can not do full justice to the one who is its subject, Hon. WILLIAM C. LANKFORD. This Member of Congress hails from the State of Georgia, which is the largest State in the Union east of Illinois.

Comparisons are sometimes invidious, but it is no more than fair to say no one who in recent years has introduced in Congress a Sunday rest bill for the District of Columbia has shown a deeper interest in the purpose of his bill, and certainly no one in either the upper or the lower House of Congress has given as much time toward securing hearings for the bill and more concentrated attention and untiring labor toward its passage. Mr. LANKFORD is a man of deep convictions, of unimpeachable character and sterling integrity, unafraid to do his duty and to stand by his principles. We are proud of him and we are giv-

ing this sketch to our readers in the hope that it will encourage them to get behind this movement for the early enactment of the Sunday rest bill for the District of Columbia. We might say that we have never known him to falter or fail in his efforts to secure every proper advantage for the progress of the bill through the House of Representatives.

INTERESTED IN OTHER PROPOSED LEGISLATION

In addition to the Sunday observance bill Mr. LANKFORD is giving special attention at this session of Congress to a bill to secure the construction of post-office buildings in towns with postal receipts of less than $10,000; his idea being that a town with half the postal receipts just mentioned should have a small building so arranged as to be added to from time to time as the receipts increase. It is pointed out by Mr. LANKFORD that real estate can be bought and standardized buildings constructed more cheaply in a small town than in a larger one, and it would be a real economy to erect such buildings, enlarging them from time to time.

Mr. LANKFORD is also the author of a bill, and working to secure its passage, for the construction of a statue in the District of Columbia consisting of a group of figures of Presidents Abraham Lincoln and U. S. Grant and Gens. Robert E. Lee and T. J. (Stonewall) Jackson as a memorial of the good feeling and love now existing between the North and South and various parts of the Nation.

Since he came to Congress Mr. LANKFORD has at all times given special attention to legislation in behalf of the producers of the Nation and at the present time is the author of two bills now pending to enable the producers, by extension of the parcel-post system, to sell their products directly to the consuming public. In addition to these matters, Mr. LANKFORD is vitally interested in and working to secure the enactment of legislation for the creation of a new Federal district in Georgia, the development of harbor facilities, the prevention of erosion of the coast lines in his district, and the construction of a canal from the Atlantic to the Gulf of Mexico across the southeastern part of Georgia and the Peninsula of Florida, together with various other matters of local interest in the State of Georgia.

The farm and labor interests of the country have approved Mr. LANKFORD'S record in Congress and recognize him as one of their best friends. He has never left Washington while Congress was in session and keeps in close touch with all the proceedings.

Last summer the Committee on Irrigation and Reclamation of the House, of which I am a member, spent some time in the West visiting various irrigation projects and studying conditions generally. We were royally entertained by the good people of that great section, and at least twice each day we were graciously invited to partake of the good food of that western country and were the recipients of the pleasures of most splendid public receptions. Of course, there were speeches on the program by the entertainment committees, the citizens present, and members of the congressional delegation. The newspapers made splendid mention of our trip from day to day. Among the many nice things said about the committee and myself, I am truly appreciative of the article carried by the Klamath News, of Klamath Falls, Oreg., under date of August 28, 1927, from which I quote as follows:

LANKFORD GREAT SPEAKER

Congressman LANKFORD, of Georgia, was the closing speaker and he is a wonderful talker. No Chautauqua lecture, very few sermons ever delivered in Oregon, surpassed this brilliant southerner's speech at last evening's banquet. He told his listeners of the great fervor and love the South holds for the West; how the Congressmen from down South stand firmly with the men from out West in many places of legislation. He stated that the location of Mason and Dixon's line was where the cold light bread began on the north and the hot biscuits began on the south, politely calling attention that during the banquet hot biscuits had been served. In his southern eloquence he then proclaimed that the Mason and Dixon's line must be located up about Canada some place.

He closed his after-dinner talk with a few well-selected illustrations teaching the lessons of manhood, good citizenship, and religion.

The Eatonton Messenger, of Eatonton, Ga., on Friday, April 25, 1928, after criticizing some other Georgia papers for their stand on Sunday-observance legislation, made the following observations:

The bill of Mr. LANKFORD is not a freak bill. It is in no wise fanatical in its purposes. It seeks to regulate business in Washington City, for which city Congress makes the laws or ordinances just as the city councils of Columbus or Brunswick do for those cities, so that the Sabbath day may be appropriately observed as a day of rest and religious worship separate from the other six days of the week.

It does not go further than to provide that business occupations, except those that have to be carried on for the public, shall not be conducted on Sundays. There is nothing about it resembling what is sometimes termed an awful "blue law" by persons who do not appear to approve of any law that restrains them in doing as they please, regardless of law or the rights of other people.

A day of rest once a week in this country is a necessity for people who work, not to mention the other purposes to which the Sabbath has been set aside, and as Washington is the capital of the country, Washington should set an example of the Christian Sabbath; and if conditions in that city are as they are said to be the bill of Congressman LANKFORD is a very good one, indeed, and should be passed. It does not seem to contemplate anything more than the different States, including Georgia, have already done. Our esteemed contemporaries should remember that the Seventh Day Adventists have shown they were fallible when several times in the past they fixed the day for the world to come to an end.

I next wish to quote from one of the periodicals published in New York City, and devoted to the interest of the movies and theaters, an article which was intended as a criticism. Here is the item:

W. C. LANKFORD, Congressman from Douglas, Ga., near Atlanta, where the Ku-Klux originated, is opposed to Sunday movies, Sunday baseball, and everything except religious services on the Sabbath Day in the District of Columbia. Before the committee hearing the "blue law" pros and cons there he did not fail to tell the residents of Washington how they ought to spend their Sundays.

LANKFORD is the author of the "blue-Sunday bill" now pending in Congress, which provides "that it shall be unlawful in the District of Columbia to keep open or use any dancing saloon, theater (whether for motion pictures, plays, spoken or silent, opera, vaudeville, or entertainment), bowling alley, or any place of public assembly at which an admission fee is directly or indirectly received, or to engage in commercialized sports or amusements on the Lord's Day, commonly called Sunday.

And this is what that Georgian had to say—and more, too—to the committee, while several hundred Washington business men and women, representatives of social and civic organizations, gathered to oppose his bill:

"I'M GUILTY OF INTOLERANCE

"It is a new idea that the present-day movies and shows and Sunday baseball are religious institutions, and that anyone who suggests that there should be a law to prevent the operation of these on Sunday is guilty of religious intolerance.

"I confess that I am at a loss to know just how I am guilty of religious intolerance when I propose a bill which would allow people of all and every denomination to go to church, if they wish, on Sunday, and only seek such provisions as will protect all in this enjoyment of religious liberty and freedom. Where is the religious intolerance which would prevent a crew of men operating a steam shovel or an electric hammer on a building site or partly constructed building next door to a church during services on Sunday? Where is the religious intolerance in a law which would not let a negro unload a large quantity of coal next door to a church, and thus disturb the assembly of people gathered for religious services? Where is the intolerance in a bill which makes for the most complete religious liberty and allows all and everyone to worship God according to the dictates of his or her own conscience? My purpose and hope is only to secure in a fuller sense the enjoyment of religious liberty. Most people do not understand that religious liberty means the infliction on the public of the profanity of the pool room, the vulgarity of the modern movie or theater, and the obscenity of the ordinary dance hall on every Sunday of the year.

"The great trouble is that there are some folks who believe that freedom of religion is freedom from religion. They mistake freedom of religion for freedom of crime.

"The bill which I introduced provides for one day of rest out of every seven. If I provided for no rest day at all, there would rightly be much opposition. It would be cruel and savage in the extreme to force all to work every day without any rest, and yet I am held up as an advocate of an unreasonable thing when I attempt to make by law one day of rest out of every seven.

"'AGIN' EVERYTHING

"Because I am not willing for my people to pay taxes to build negro bathing beaches and artificial bathing pools here, and because I object to my people being forced to help maintain a negro university here in the District of Columbia contrary to law, I am said to be guilty of racial intolerance. It all depends on whose definition of intolerance we are to use. I do object to the public being forced to educate a crowd of negroes in Washington when many of the white boys and girls of the South and other parts of the country are denied sufficient educational advantages. It has even been urged here that at public expense there be established a beauty parlor for the negroes of the District of Columbia, so that the negro girls could take lessons in using rouge and perfume, etc. Well, if objecting to this kind of thing is intolerance, then I am very intolerant.

"I believe in letting the negro be the negro and the white man be the white man. I believe in letting the negro having his section

of town to live in and the white people have theirs. I certainly believe in the negro having his own waiting room, his own car or separate seats on street cars and railroads, and his own schools, but I believe in the white people having also their own separate depot and transportation and educational facilities. Nothing could be fairer. Oh, but many say that there should be no distinction and that all be treated alike. Segregation treats all alike."

Some two or three years ago I made certain criticisms of the efforts of the negroes of the country to shove themselves in where they are not wanted, and urged that this action on their part brought about ill will between the races rather than good feeling, and thus injured both.

Most of the negro papers carried my speech without comment. Some carried only quotations which left out much of the real argument of the speech. The Afro-American, of Baltimore, Md., carried the following item:

REPRESENTATIVE LANKFORD (DEMOCRAT, GEORGIA) URGES JIM CROW STREET CARS, TRAINS, AND STATIONS IN DISTRICT OF COLUMBIA

WASHINGTON, February 14.—Representative WILLIAM C. LANKFORD (Democrat, Georgia) told Congress last week he not only approved of President Lowell's stand of excluding negroes from Harvard but also excluding them from the white schools in the North.

Representative LANKFORD also took in the occasion to discuss the race problem, urging Jim Crow street cars, trains, libraries, and parks for the city. Among other things he said were:

"The so-called 'Jim Crow' law, which makes whites and negroes ride in separate coaches on trains, use separate seats in street cars, and use separate waiting rooms at the stations, is a most excellent law for both races.

"The best thing the negro race could do for itself would be to say: 'Give us separate cars, separate waiting rooms, separate parks, separate schools, separate libraries, and separate sections of town to live in. We do not want to offend the white people in the least. They are our friends. We are theirs.'

"I believe the negroes teach their children here to be as offensive to the whites as possible. The old and the young of the Negro race here are doing well their part of building up a contempt of the white race for the negroes.

"The negroes of the North are destroying the chance they have by attempting to force themselves where they are not wanted and by being insolent and offensive. Many negroes in the South would not under any circumstances come in at the front door of a white home unless specifically requested to do so. They do not want to use a white waiting room or ride on a train in the white coach if it offends the white man or white woman or white child in the least. These kind of negroes are the saving power of the Negro race."

Representative LANKFORD complained that there was no space in Union Station where colored people were prohibited.

"Millions and millions of the people's money have been spent and are spent each year on dozens of most beautiful parks here in Washington, and most splendid music is furnished—for whom? For only the whites who want to associate with negroes.

"Oh, the disgrace of the negro situation here in Washington! We have here in Washington a so-called reformatory for girls. It is filled up with negro girls and a few white girls. In other words, if a white girl makes a mistake or does some wrong for which she should be corrected she is forced to live with a bunch of negroes in order that she, a white girl, may be made better. The gang in authority in Washington who causes this to be done ought to be forced to eat with negroes, sleep with negroes, live with negroes, smell negroes, and work at hard labor with negroes in a penitentiary for and during the full end and term of their natural lives."

Mr. Speaker, the Negro race, by endeavoring to get more than it is entitled to, will eventually lose many of its rights. By infringing on the rights of the white race they built a resentment which will later deprive them of the rights of the negro.

In many sections where each race does not have well-defined rights and each stay strictly within them extreme hatred will arise and negroes will be driven from their homes, and even deprived of the right to live by the sway of race riots. The occasional lynching of a guilty negro will not hurt the Negro race, but the all-consuming flame of race hatred which is being kindled slowly but surely in many sections of the North, where the negro is attempting to push the white man aside, will hurt the Negro race.

The negroes are entitled to their own schools, churches, libraries, public gatherings, parks, bathing beaches, waiting-room accommodations, and railway and other transportation conveniences unmolested by the white folks, and the white people are entitled to the same conveniences without the interference of negroes.

The negro can not be white, neither will any considerable portion of the white race, either North or South, long consent to act the negro. The limitations fixed by the Almighty are steadfast and everlasting, and negro will remain negro and white will remain white. There should be rendered unto the negro the things that are his and unto the white man the things that are his. The white race, in all justice, will do this and only this, and the sooner the better.

SENATE BILL REFERRED

A bill of the following title was taken from the Speaker's table and, under the rule, referred to the appropriate committee, as follows:

S. 2440. An act to provide that four hours shall constitute a day's work on Saturdays throughout the year for all employees in the Government Printing Office; to the Committee on Printing.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and a joint resolution of the following titles, when the Speaker signed the same:

H. R. 2473. An act for the relief of Louie June;

H. R. 4012. An act for the relief of Charles R. Sies;

H. R. 4660. An act to correct the military record of Charles E. Lowe;

H. R. 4687. An act to correct the military record of Albert Campbell;

H. R. 4839. An act for the relief of the Press Publishing Co., Marianna, Ark.;

H. R. 5322. An act for the relief of John P. Stafford;

H. R. 5548. An act to authorize payment of six months' death gratuity to dependent relatives of officers, enlisted men, or nurses whose death results from wounds or disease not resulting from their own misconduct;

H. R. 5644. An act to enable an enlisted man in the naval service to make good time lost in excess of one day under certain conditions;

H. R. 5718. An act to amend the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service";

H. R. 5826. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Louisiana State Museum, of the city of New Orleans, La., the silver bell in use on the cruiser *New Orleans;*

H. R. 5930. An act for the relief of Jesse W. Boisseau;

H. R. 6152. An act for the relief of Cromwell L. Barsley;

H. R. 6195. An act granting six months' pay to Constance D. Lathrop;

H. R. 6842. An act for the relief of Joseph F. Friend;

H. R. 6854. An act to add certain lands to the Montezuma National Forest, Colo., and for other purposes;

H. R. 7142. An act for the relief of Frank E. Ridgely, deceased;

H. R. 7895. An act for the relief of the Lagrange Grocery Co.;

H. R. 7897. An act to ratify the action of a local board of sales control in respect of contracts between the United States and the West Point Wholesale Grocery Co., of West Point, Ga.;

H. R. 7898. An act to ratify the action of a local board of sales control in respect of contracts between the United States and the Lagrange Grocery Co., of Lagrange, Ga.;

H. R. 7903. An act to authorize the erection at Clinton, Sampson County, N. C., of a tablet or marker in commemoration of William Rufus King, former Vice President of the United States;

H. R. 8031. An act for the relief of Higgins Lumber Co. (Inc.);

H. R. 8440. An act for the relief of F. C. Wallace;

H. R. 9046. An act to continue the allowance of Sioux benefits;

H. R. 9355. An act to provide for the acquisition of certain property in the District of Columbia for the Library of Congress, and for other purposes;

H. R. 9411. An act for the relief of Maurice P. Dunlap;

H. R. 9620. An act for the relief of E. H. Jennings, F. L. Johanns, and Henry Blank, officers and employees of the post office at Charleston, S. C.;

H. R. 9965. An act to erect a tablet or marker to mark the site of the Battle of Kettle Creek, in Wilkes County, Ga., where, on February 14, 1779, Elijah Clarke, of Georgia, and Colonel Pickens, of South Carolina, overtook the Tories under Colonel Boyd, killing him and many of his followers, thus ending British dominion in Georgia;

H. R. 10503. An act for the relief of R. P. Washam, F. A. Slate, W. H. Sanders, W. A. McGinnis, J. E. Lindsay, and J. T. Pearson;

H. R. 11405. An act to acquire an area of State land situate in Lassen Volcanic National Park, State of California, by exchange;

H. R. 11621. An act to authorize the Secretary of the Navy to advance public funds to naval personnel under certain conditions;

H. R. 11724. An act to provide for the paving of the Government road, known as the Ringgold Road, extending from Chickamauga and Chattanooga National Military Park, in the State of Georgia, to the town of Ringgold, Ga., constituting an approach road to the Chickamauga and Chattanooga National Military Park;

H. R. 12067. An act to set aside certain lands for the Chippewa Indians in the State of Minnesota;

H. R. 12192. An act authorizing the Secretary of the Interior to accept a deed to certain land and issue patent therefor to the city of Buhl, Twin Falls County, Idaho;

H. R. 12446. An act to approve a deed of conveyance of certain land in the Seneca Oil Spring Reservation, N. Y.; and

H. J. Res. 263. Joint resolution authorizing the president and fellows of Harvard College to erect on public grounds in the District of Columbia a monument to Maj. Gen. Artemas Ward.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 744. An act to further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States, and for other purposes;

S. 1828. An act to amend the second paragraph of section 5 of the national defense act, as amended by the act of September 22, 1922, by adding thereto a provision that will authorize the names of certain graduates of the General Service Schools and of the Army War College, not at present eligible for selection to the General Staff Corps eligible list, to be added to that list;

S. 1829. An act to authorize the collection, in monthly installments, of indebtedness due the United States from enlisted men, and for other purposes;

S. 3463. An act to recognize commissioned service in the Philippine Constabulary in determining rights of officers of the Regular Army;

S. 3555. An act to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce;

S. 3752. An act to amend section 3 of an act entitled "An act authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes," approved March 12, 1926; and

S. 4216. An act to authorize the adjustment and settlement of claims for armory drill pay.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States, for his approval, bills of the House of the following titles:

H. R. 5695. An act authorizing the Secretary of the Interior to equitably adjust the disputes and claims of settlers and others against the United States and between each other, arising from incomplete or faulty surveys in township 19 south, range 26 east, and in sections 7, 8, 17, 18, 19, 30, 31, township 19 south, range 27 east, Tallahassee meridian, Lake County, in the State of Florida;

H. R. 8110. An act withdrawing from entry the northwest quarter section 12, township 30 north, range 19 east, Montana meridian;

H. R. 9112. An act for the relief of William Roderick Dorsey and other officers of the Foreign Service of the United States, who, while serving abroad, suffered by theft, robbery, fire, embezzlement, or bank failures losses of official funds;

H. R. 9411. An act for the relief of Maurice P. Dunlap; and

H. R. 11022. An act to extend medical and hospital relief to retired officers and retired enlisted men of the United States Coast Guard.

ADJOURNMENT

Mr. FENN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 26 minutes p. m.) the House adjourned until to-morrow, Friday, May 18, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Friday, May 18, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON THE JUDICIARY

(10.30 a. m.)

To amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity (H. R. 7759).

COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To amend the act approved December 23, 1913, known as the Federal reserve act; to define certain policies toward which the powers of the Federal reserve system shall be directed; to further promote the maintenance of a stable gold standard; to promote the stability of commerce, industry, agriculture, and employment; to assist in realizing a more stable purchasing power of the dollar (H. R. 11806).

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 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 AGRICULTURE

(10 a. m.)

To provide overtime pay for employees in the Bureau of Animal Industry of the Department of Agriculture (H. R. 6509).

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10.30 a. m.)

SUBCOMMITTEE ON RAILROADS

To amend and reenact subdivision (a) of section 209 of the transportation act, 1920 (H. R. 12177).

SUBCOMMITTEE ON PLATINUM

(2 p. m.)

To regulate the marking of platinum imported into the United States or transported in interstate commerce (H. R. 5639).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WASON: Joint Committee on the Disposition of Useless Executive Papers. A report on the disposition of useless papers in the Department of Labor (Rept. No. 1713). Ordered to be printed.

Mr. WASON: Joint Committee on the Disposition of Useless Executive Papers. A report on the disposition of useless papers in the Department of Commerce (Rept. No. 1714). Ordered to be printed.

Mr. WASON: Joint Committee on the Disposition of Useless Executive Papers. A report on the disposition of useless papers in the State Department (Rept. No. 1715). Ordered to be printed.

Mr. WASON: Joint Committee on the Disposition of Useless Executive Papers. A report on the disposition of useless papers in the Navy Department (Rept. No. 1716). Ordered to be printed.

Mr. WASON: Joint Committee on the Disposition of Useless Executive Papers. A report on the disposition of useless papers in the Treasury Department (Rept. No. 1717). Ordered to be printed.

Mr. HILL of Washington: Committee on the Public Lands. S. 3361. An act authorizing the Secretary of the Interior to convey to the city of Hot Springs, Ark., all of lot No. 3 in block No. 115 in the city of Hot Springs, Ark.; without amendment (Rept. No. 1718). Referred to the Committee of the Whole House on the state of the Union.

Mr. HILL of Washington: Committee on the Public Lands. H. R. 12775. A bill providing for a grant of land to the county of San Juan, in the State of Washington, for recreational and public-park purposes; with amendment (Rept. No. 1719). Referred to the Committee of the Whole House on the state of the Union.

Mr. ZIHLMAN: Committee on the District of Columbia. H. J. Res. 276. A joint resolution to authorize the merger of street railway corporations operating in the District of Columbia, and for other purposes; with amendment (Rept. No. 1720).

Referred to the Committee of the Whole House on the state of the Union.

Mr. SUMNERS of Texas: Committee on the Judiciary. H. R. 12629. A bill to create a new division of the District Court of the United States for the Northern District of Texas; without amendment (Rept. No. 1721). Referred to the Committee of the Whole House on the state of the Union.

Mr. McLEOD: Committee on the District of Columbia. S. 2366. An act to amend subchapter 1 of chapter 18 of the Code of Laws for the District of Columbia relating to degree-conferring institutions; with amendment (Rept. No. 1722). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on Indian Affairs. S. 3593. An act to authorize the leasing or sale of lands reserved for agency, schools, and other purposes on the Fort Peck Indian Reservation, Mont.; with amendment (Rept. No. 1723). Referred to the House Calendar.

Mr. COLTON: Committee on the Public Lands. S. 3776. An act to authorize the Secretary of the Interior to issue patents for lands held under color of title; without amendment (Rept. No. 1727). Referred to the Committee of the Whole House on the state of the Union.

Mr. ENGLEBRIGHT: Committee on Indian Affairs. S. 4321. An act authorizing the Secretary of the Interior to dispose of two bridges on the San Carlos Indian Reservation, in Arizona, and for other purposes; without amendment (Rept. No. 1728). 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. HOOPER: Committee on the Public Lands. S. 3954. An act to quiet title in the heirs of Norbert Boudousquie to certain lands in Louisiana; without amendment (Rept. No. 1712). Referred to the Committee of the Whole House.

Mr. LEAVITT: Committee on Indian Affairs. H. R. 12312. A bill for the relief of James Hunts Along; with amendment (Rept. No. 1724). Referred to the Committee of the Whole House.

Mr. HOOPER: Committee on War 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; without amendment (Rept. No. 1725). Referred to the Committee of the Whole House.

Mr. LEAVITT: Committee on Indian Affairs. H. R. 13606. A bill for the relief of Russell White Bear; without amendment (Rept. No. 1726). Referred to the Committee of the Whole House.

Mr. HOWARD of Oklahoma: Committee on Indian Affairs. S. 3794. An act for the relief of R. E. Hansen; without amendment (Rept. No. 1729). Referred to the Committee of the Whole House.

Mr. HOWARD of Oklahoma: Committee on Indian Affairs. H. R. 13753. A bill authorizing an expenditure of certain funds standing to the credit of the Cherokee Nation in the Treasury of the United States to be paid to one of the attorneys for the Cherokee Nation, and for other purposes; without amendment (Rept. No. 1730). 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. ANDRESEN: A bill (H. R. 13845) to amend section 313 of the tariff act of 1922, approved September 21, 1922; to the Committee on Ways and Means.

By Mr. OLDFIELD: A bill (H. R. 13846) granting the consent of Congress to the Arkansas Highway Commission to construct, maintain, and operate a free highway bridge across the Spring River at or near Miller Ford, Ark.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 13847) granting the consent of Congress to the Arkansas Highway Commission to construct, maintain, and operate a free highway bridge across the Spring River at or near Rhea Ford, Ark.; to the Committee on Interstate and Foreign Commerce.

By Mr. BOWMAN: A bill (H. R. 13848) to legalize a bridge across the Potomac River at or near Paw Paw, W. Va.; to the Committee on Interstate and Foreign Commerce.

By Mr. STRONG of Kansas: A bill (H. R. 13849) to provide that transferors for collection of negotiable instruments shall be preferred creditors of national banks in certain cases; to the Committee on Banking and Currency.

By Mr. KENT: A bill (H. R. 13850) to further amend the act of March 4, 1925, as amended March 3, 1926, and April 6, 1926, to provide for the relief of the Bethlehem Steel Co., and to further carry out the provisions of the award of the National War Labor Board of July 31, 1918, and the action of the War Department Claims Board of July 6, 1921; to the Committee on Claims.

By Mr. ZIHLMAN: A bill (H. R. 13851) to provide for the election of a board of education of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. DICKSTEIN: A bill (H. R. 13852) to amend section 266 of the Judicial Code; to the Committee on the Judiciary.

By Mr. JAMES: A bill (H. R. 13853) to authorize the Secretary of War to sell to the Fishers Island Corporation a tract of land comprising part of the Fort H. G. Wright Military Reservation, N. Y.; to the Committee on Military Affairs.

By Mr. KINDRED: A bill (H. R. 13854) to provide facilities and equipment in the Capitol for the emergency treatment of ill and injured persons; to the Committee on Accounts.

By Mr. FISH: A bill (H. R. 13855) to amend an act of February 9, 1907, entitled "An act to define the term 'registered nurse' and to provide for the registration of nurses in the District of Columbia"; to the Committee on the District of Columbia.

By Mr. LARSEN: A bill (H. R. 13856) authorizing H. G. Martin, W. P. Calhoun, J. H. Kaplin, R. L. O'Neal, O. J. Whipple, H. G. McBride, J. B. Brown, and Idus Jones, their heirs, legal representatives, or assigns, to construct a bridge across the Altamaha River at or near Towns Bluff Ferry in Jeff Davis and Montgomery Counties, Ga.; to the Committee on Interstate and Foreign Commerce.

By Mr. FORT: A bill (H. R. 13857) to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department and for other purposes," approved August 25, 1919, as amended; to the Committee on Public Buildings and Grounds.

By Mr. CRAMTON: Joint resolution (H. J. Res. 307) to preserve for development the potential water power and park facilities of the gorge and great falls of the Potomac River; to the Committee on the District of Columbia.

By Mr. TIMBERLAKE: Resolution (H. Res. 210) to pay six months' salary and $250 to the widow of David Beattie, late an employee of the House of Representatives; to the Committee on Accounts.

By Mr. BLACK of New York: Resolution (H. Res. 211) to recognize the Nationalist Government as the Government of China; to the Committee on Foreign Affairs.

By Mr. DEMPSEY: Resolution (H. Res. 212) for the appointment of a committee to investigate the shooting of Jacob D. Hanson, of Niagara Falls, N. Y., on May 5, 1928; 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. CROSSER: A bill (H. R. 13858) granting a pension to Pearl A. Phearson; to the Committee on Pensions.

By Mr. DAVENPORT: A bill (H. R. 13859) granting an increase of pension to Charlott K. Vought; to the Committee on Invalid Pensions.

By Mr. ROY G. FITZGERALD: A bill (H. R. 13860) granting a pension to Katherine Z. Bates; to the Committee on Invalid Pensions.

By Mr. GUYER: A bill (H. R. 13861) granting a pension to Joseph McDonald; to the Committee on Pensions.

By Mr. HALL of Illinois: A bill (H. R. 13862) making eligible for retirement, under the same conditions as now provided for officers of the Regular Army, A. Richard Hedstrom, chaplain, an officer of the United States Army during the World War, who incurred physical disability in line of duty; to the Committee on World War Veterans' Legislation.

By Mr. HOPE: A bill (H. R. 13863) granting a pension to Jennie L. Dockum; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Indiana: A bill (H. R. 13864) granting a pension to Charles M. Barnes; to the Committee on Invalid Pensions.

By Mr. MONAST: A bill (H. R. 13865) granting an increase of pension to Bridget Deady; to the Committee on Invalid Pensions.

By Mr. NEWTON: A bill (H. R. 13866) for the relief of Adelaide (Ada) J. Walker Robbins; to the Committee on Military Affairs.

By Mr. PRATT: A bill (H. R. 13867) for the relief of William H. Baldwin; to the Committee on Claims.

By Mr. SMITH: A bill (H. R. 13868) granting a pension to Homer Bounds; to the Committee on Pensions.

By Mr. STEELE: A bill (H. R. 13869) for the relief of John Wesley Clark; to the Committee on Claims.

By Mr. VINCENT of Michigan: A bill (H. R. 13870) granting an increase of pension to Rosalie Smith; to the Committee on Invalid Pensions.

By Mr. WOLVERTON: A bill (H. R. 13871) granting an increase of pension to Mary A. Beck; to the Committee on Invalid Pensions.

By Mr. BURDICK: A bill (H. R. 13872) for the relief of James J. Gianaros; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7683. By Mr. DAVENPORT: Petition of A. A. Wetherill and other citizens of Westmoreland, N. Y., urging the passage of House bill 11410, an amendment to the national prohibition act; to the Committee on the Judiciary.

7684. By Mr. DRANE: Petition of citizens of Tampa, Fla., against compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

7685. By Mr. ESTEP: Resolutions adopted by the Chamber of Commerce of Pittsburgh, Pa., following a report by the builders' council of the chamber, opposing House bill 11141, a bill to require contractors and subcontractors engaged in public work of the United States to give certain preferences in the employment of labor, signed by W. F. Trimble, jr., first vice chairman; R. M. Morganstern, second vice chairman of builders' council; and A. V. Snell, secretary of the Pittsburgh Chamber of Commerce, of Pittsburgh; to the Committee on Labor.

7686. By Mr. GARBER: Petition of E. L. Gallaher, of Covington, Okla., secretary of Seventh District Chiropractic Association, in support of Senate bill 3936 and House bill 12947, if passed as amended, by Dr. J. Ralph John, of Baltimore, Md.; to the Committee on the District of Columbia.

7687. Also, petition of William G. Adams, secretary Travelers' National Legislative Committee, New York, in support of Senate bill 668 and House bill 5588; to the Committee on Interstate and Foreign Commerce.

7688. Also, petition of H. B. Fell, president Oklahoma Department, Reserve Officers' Association, Ardmore, Okla., asking that a reserve division be provided in the War Department; to the Committee on Military Affairs.

7689. Also, petition of carriers and ladies' auxiliary of Grant, Garfield, Kay, and Noble Counties, assembled at Jefferson, Okla., in regard to retirement bill for carriers; to the Committee on the Post Office and Post Roads.

7690. Also, petition of James A. Coe, druggist, Oshkosh, Wis., in support of the Capper-Kelly bill; to the Committee on Interstate and Foreign Commerce.

7691. Also, petition of committee of Okmulgee County Medical Society, in opposition to the proposed increase in narcotic tax from $1 to $3 per year; to the Committee on Ways and Means.

7692. Also, telegram of board of directors, chamber of commerce, Hobart, Okla., asking that annual appropriation bill allow Kiowa, Comanche, and Apache Indians $50 per capita semiannually, as $25 is insufficient to meet living expenses; to the Committee on Indian Affairs.

7693. Also, petition of Mrs. Roy Axtell, unit legislative chairman, Guthrie, Okla., in support of universal draft bill; to the Committee on Military Affairs.

7694. By Mr. JOHNSON of Indiana: Petition of voters of Vermilion County, Ind., for the increase of Civil War pensions; to the Committee on Invalid Pensions.

7695. By Mr. KVALE: Petition of Otto Strom, Edward Abbott, and Carl Larson, of Willmar, Minn., and Lars A. Kronlokken, Renville, Minn., urging enactment of legislation providing for Government operation of Muscle Shoals; to the Committee on Military Affairs.

7696. By Mr. LINDSAY: Petition of Bayway Terminal, New York City, protesting against passage of House bill 13646, entitled "Cotton futures trading act," as damaging to their interests; to the Committee on Agriculture.

7697. Also, petition of Maritime Association, New York, strongly protesting against House bill 13646, known as the cotton futures trading act, as having detrimental effect on trade and commerce of the port of New York; to the Committee on Agriculture.

7698. Also, petition of Port of New York Authority, protesting against House bill 13646 as highly prejudicial to the port of New York; to the Committee on Agriculture.

7699. By Mr. MORROW: Petition of New Mexico Cattle and Horse Growers' Association, requesting an increase in appropriation to the Bureau of Biological Survey for work in controlling predatory animals and noxious rodents; to the Committee on Appropriations.

7700. By Mr. O'CONNELL: Petition of the American Fluoride Corporation, New York City, favoring legislation which has for its object the investment of the Post Office Department with discretion in the mailing of merchandise now classed with the poisons; to the Committee on the Post Office and Post Roads.

7701. Also, petition of Conrad H. Lang, jr., of Hoboken, N. J., favoring the passage of the Edwards bill (S. 2458); to the Committee on World War Veterans' Legislation.

7702. Also, petition of the National Council, Traveling Salesmen's Association, New York City, favoring the passage of Senate bill 668 and House bill 5588, for the repeal of the war-time Pullman surcharge; to the Committee on Ways and Means.

7703. Also, petition of J. C. Penney, of New York City, favoring the passage of House bill 10958, to place a tax on butter made from nuts and products other than milk; to the Committee on Agriculture.

7704. By Mr. ROBINSON of Iowa: Petition signed by J. S. Hunt, of Dundee, Iowa, and about 30 other citizens of Delaware County, Iowa, urging action be taken on the national-origins provision of the restrictive immigration act of 1924; to the Committee on Immigration and Naturalization.

SENATE

FRIDAY, *May 18, 1928*

(Legislative day of Thursday, May 3, 1928)

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

CORRECTION OF ERROR IN ENROLLMENT

The VICE PRESIDENT. The Chair lays before the Senate a concurrent resolution from the House of Representatives, which will be read.

The concurrent resolution (H. Con. Res. 38) was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That the action of the Speaker of the House of Representatives and of the Vice President in signing the bill (H. R. 9568) entitled "An act to authorize the purchase at private sale of a tract of land in Louisiana, and for other purposes," be rescinded, and that in the reenrollment of such bill the number "58" be stricken out and the number "158" be inserted in lieu thereof.

Mr. CURTIS. I ask unanimous consent for the immediate consideration of the concurrent resolution.

The concurrent resolution was considered by unanimous consent and agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 3793. An act authorizing the St. Croix Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the St. Croix River near Grantsburg, Wis.;

S. 4345. An act authorizing the Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Kansas City, Kans.;

S. 4357. An act authorizing Henry Horsey, Winfield Scott, A. L. Ballegoin, and Frank Schee, their heirs, legal representatives, and assigns, to construct and operate a bridge across the Des Moines River at or near Croton, Iowa; and

S. 4381. An act authorizing H. A. Rinder, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Niobrara, Nebr.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 3470) granting relief to Havert S. Sealy and Porteus R. Burke.

The message further announced that the House had passed a bill (H. R. 13512) to amend the act entitled "An act to create the Inland Waterways Corporation for the purpose of carrying out the mandate and purpose of Congress, as expressed in sections 201 and 500 of the transportation act, and for other purposes," approved June 3, 1924, in which it requested the concurrence of the Senate.