WEST VIRGINIA

Charles B. Wright to be postmaster at Minden, W. Va., in place of W. B. Murray, resigned.

WISCONSIN

Clyde C. Harris to be postmaster at Waupun, Wis., in place of Dena Kastein, resigned.

Orestes K. Hawley to be postmaster at Baldwin, Wis., in place of O. K. Hawley. Incumbent's commission expired April 21, 1928.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 19 (legislative day of May 3), 1928

MEMBER OF UNITED STATES SHIPPING BOARD

Hutch I. Cone.

COLLECTOR, INTERNAL REVENUE SERVICE

Joseph S. MacLaughlin to be collector of internal revenue for the first district of Pennsylvania.

PROMOTIONS IN THE NAVY

MARINE CORPS

To be second lieutenants

Robert G. Ballance.
Charles B. Mitchell.
Kenneth H. Weir.
Frank C. Croft.
Perry O. Parmelee.
Arthur F. Binney.
John J. Heil.
Max W. Schaeffer.
Clovis C. Coffman.
Ernest E. Pollock.
Thomas G. Ennis.
Wilson T. Dodge.
Charles Popp.
Boeker C. Batterton.

POSTMASTERS

ARIZONA

Walter Runke, Flagstaff.

IOWA

Theodore B. Satory, Albert City.
William M. Bausch, Ashton.
Albert A. Emigh, Atlantic.
Royal E. Hutton, Bancroft.
John J. Ethell, Bloomfield.
Harry Aitken, Clearfield.
Joseph M. Jacobs, Delta.
Mary E. Coy, Farragut.
Rose M. Fischbach, Granville.
Louis C. Giencke, Guttenberg.
Henry W. Huibregtse, Hull.
Harvey S. Powers, Iowa Falls.
Howard H. Tedford, Mount Ayr.
William A. Grummon, Rockwell.
Ira Soop, Sanborn.
Lyle J. McLaughlin, Schaller.
Harry M. Harlan, Sigourney.
Ralph Hunte, Springville.
Cora B. Alberty, Thornton.
Marion H. Barnes, Wapello.

KANSAS

Gerald G. Smith, Burr Oak.
Henry B. Lawton, Kiowa.
Hiram W. Joy, Quinter.
Lloyd Van Metre, Sublette.
Michael Fischer, Tipton.

MAINE

Louis F. Higgins, Ellsworth.

MASSACHUSETTS

Charles H. Sawyer, Northampton.
Philip Morris, Siasconset.
Stephen C. Luce, Vineyard Haven.

MICHIGAN

Hazel M. Foster, Baldwin.

MISSOURI

Charles A. Mitchell, Clinton.
Harry H. Forman, Shelbyville.

NEW HAMPSHIRE

Ralph E. Messer, Bennington.
Eleazer F. Baker, Suncook.

NORTH DAKOTA

James N. McGogy, Ashley.
Austin R. Johnson, Wildrose.

OKLAHOMA

Wilmer C. Brown, Kingfisher.
Samuel C. McAdams, Minco.
James F. Bethel, Muldrow.

TENNESSEE

Rennie G. Connelly, Lyles.
Lonnie A. Jernigan, Manchester.
Garfield Russell, New Tazewell.
Belle Whittenburg, Ooltewah.
William G. Leach, Huntingdon.

TEXAS

E. Leon Donner, Hereford.
Mabel E. Bryant, Rockport.

HOUSE OF REPRESENTATIVES

SATURDAY, *May 19, 1928*

The House met at 12 o'clock noon.

The Rev. William Pierpoint, pastor of the McKendree Methodist Church, offered the following prayer:

Almighty God, our Heavenly Father, the Father of all mercies, we come unto Thee in humility and with gratitude for Thy many gifts to us. We thank Thee that Thy blessings have ever been upon us to enrich us, and we have ever been the recipients of Thy mercy and of Thy grace. Help us as we come to Thee to realize that while Thou hast given unto us health, prosperity, and peace, that greatness consists not in the things which we possess, but greatness consists in being able to contribute unto all mankind of the blessings which Thou hast given unto us. We pray that Thy blessings may be upon our country and that Thy guiding eye may continue to be over it and that Thy mercy may ever be extended to it. Bless, we pray Thee, those in authority over our country; give unto all, our Father, into whose hands have been vouchsafed the keeping of our national greatness Thy wisdom, Thy understanding, and Thy grace. Help them in all their deliberations, that they may so honor and glorify Thy name that Thy smiling favor may ever be upon them. Pardon us, we pray Thee, wherein we may have transgressed Thy law, and help us forever to have that forgiving spirit wherein we shall in turn merit forgiveness from Thee. Grant this with all the blessings that may enrich our lives. We ask in the name and for the sake of our Lord and Savior, Jesus Christ. 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 refuses to reconsider its vote on the passage of the bill (H. R. 11479) entitled "An act to reserve certain lands on the public domain in Valencia County, N. Mex., for the use and benefit of the Acoma Pueblo Indians."

The message also announced that the Senate refuses to reconsider its vote on the passage of the bill (H. R. 12632) entitled "An act to provide for the eradication or control of the European corn borer."

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

S. 3554. An act to authorize the Public Health Service and the National Academy of Sciences jointly to investigate the means and methods for affording Federal aid in discovering a cure for cancer, and for other purposes; and

S. J. Res. 156. Joint resolution to stay proceedings for the condemnation of squares 727 and 728 in the District of Columbia.

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

The message further announced that the Senate disagrees 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. 12030) entitled "An act to amend Title II of an act approved February 28, 1925 (43 Stat. 1066, U. S. C., title 39), regulating postal rates, and for other purposes," further

insists upon its amendments to said bill, requests a further conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and appoints Mr. MOSES, Mr. PHIPPS, and Mr. MCKELLAR to be the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment a bill and joint resolutions of the House of the following titles:

H. R. 8546. An act authorizing an appropriation of $2,500 for the erection of a tablet or marker at Lititz, Pa., to commemorate the burial place of 110 American soldiers who were wounded in the Battle of Brandywine and died in the military hospital at Lititz;

H. J. Res. 39. Joint resolution authorizing the Secretary of War to receive, for instruction at the United States Military Academy at West Point, two Chinese subjects, to be designated hereafter by the Government of China; and

H. J. Res. 40. Joint resolution authorizing the Secretary of War to receive, for instruction at the United States Military Academy at West Point, two Siamese subjects, to be designated hereafter by the Government of Siam.

PERMISSION TO ADDRESS THE HOUSE

Mr. McCLINTIC. Mr. Speaker, I ask unanimous consent that on next Thursday, after the reading of the Journal and the disposition of matters on the Speaker's table, I may be permitted to address the House for 15 minutes.

Mr. CHINDBLOM. Reserving the right to object, will the gentleman state the subject?

Mr. McCLINTIC. I have information showing that the War Department is paying a salary to the person who brought charges against the misuse of my frank and I want to present some information along that line.

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

There was no objection.

MEETING OF ELECTORS

Mr. GIFFORD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 7373) providing for the meeting of electors of President and Vice President and for the issuance and transmission of the certificates of their selection and of the result of their determination, and for other purposes, and agree to the Senate amendment.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to take from the Speaker's table the bill H. R. 7373, with a Senate amendment, and agree to the Senate amendment. The gentleman will state he acts by authority of his committee?

Mr. GIFFORD. Yes.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the Senate amendment.

The Senate amendment was agreed to.

LEASING OF PUBLIC LANDS FOR AVIATION PURPOSES

Mr. SINNOTT. Mr. Speaker, by direction of the Committee on the Public Lands, I move to take from the Speaker's table the bill (H. R. 11990) to authorize the leasing of public lands for use as public aviation fields, with Senate amendments, and agree to the Senate amendments.

The Clerk read the Senate amendments.

The Senate amendments were agreed to.

LANDS OF CERTAIN MEMBERS OF THE FIVE CIVILIZED TRIBES

Mr. LEAVITT. Mr. Speaker, I call up the bill (S. 4448) to amend section 4 of the act entitled "An act to extend the period of restrictions in lands of certain members of the Five Civilized Tribes, and for other purposes," approved May 10, 1928.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 4 of an act approved May 10, 1928, entitled "An act to extend the period of restrictions in lands of certain members of the Five Civilized Tribes, and for other purposes" (Public, No. —, 70th Cong., 1st sess.), be, and the same is hereby, amended so as to read as follows:

"SEC. 4. That on and after April 26, 1931, the allotted, inherited, and devised restricted lands of each Indian of the Five Civilized Tribes in excess of 160 acres shall be subject to taxation by the State of Oklahoma under and in accordance with the laws of that State, and in all respects as unrestricted and other lands: *Provided,* That the Indian owner of restricted land, if an adult and not legally incompetent, shall select from his restricted land a tract or tracts, not exceeding in the aggregate 160 acres, to remain exempt from taxation, and shall file with the Superintendent of the Five Civilized Tribes a certificate designating and describing the tract or tracts so selected: *Provided further,* That in cases where such Indian fails, within two years from date hereof, to file such certificate, and in cases where the Indian owner is a minor or otherwise legally incompetent, the selection shall be made and certificate prepared by the Superintendent for the Five Civilized Tribes; and such certificate, whether by the Indian or by the Superintendent for the Five Civilized Tribes, shall be subject to approval by the Secretary of the Interior; and, when approved by the Secretary of the Interior, shall be recorded in the office of the Superintendent for the Five Civilized Tribes, and in the county records of the county in which the land is situated; and said lands, designated and described in the approved certificates so recorded, shall remain exempt from taxation while the title remains in the Indian designated in such approved and recorded certificate, or in any full-blood Indian heir or devisee of the land: *Provided,* That the tax exemption shall not extend beyond the period of restrictions provided for in this act: *And provided further,* That the tax-exempt land of any such Indian allottee, heir, or devisee shall not at any time exceed 160 acres."

Mr. LEAVITT. Mr. Speaker, I offer an amendment. In line 6, page 1, insert after the word "numbered" the figures "360."

The SPEAKER. The gentleman from Montana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LEAVITT: Page 1, line 6, after the word "numbered," insert the figures "360."

The amendment was agreed to.

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

A motion to reconsider was laid on the table.

AUTOMOBILE INSURANCE BILL

Mr. TREADWAY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD with reference to the bill H. R. 9688, the automobile insurance bill.

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

There was no objection.

Mr. TREADWAY. Mr. Speaker, on January 19, 1928, I introduced H. R. 9688, a bill to provide security for the payment of compensation for personal injuries and death caused by the operation of motor vehicles in the District of Columbia, and for other purposes.

This bill is patterned after the Massachusetts law, with certain necessary adaptations to conditions in the District of Columbia. No disinterested person can argue that an irresponsible automobile driver has any place on our streets and highways. If he is irresponsible in driving he will likewise be irresponsible in the settlement of any damage claims which may result from his driving. This law has been in operation in Massachusetts for a year and a half, and all official evidence tends to show that it has been most advantageous.

Nearly all of the States have under consideration some form of insurance against automobile casualties. I predict that in the course of a very few years every State in the Union will require automobile drivers to assume financial responsibility for accidents due to their carelessness. It will not do for Congress to neglect the interests of the people in the District of Columbia in this direction.

Hearings have been held by one of the subcommittees of the District of Columbia Committee on House bill 9688. The proponents of the bill represented the public interest and the opponents represented the selfishness of those engaged in the automobile business. In view of the early adjournment of Congress it was mutually agreed that the subject should not be pressed until Congress reconvenes in the fall. At the last hearing of the subcommittee its chairman, Congressman UNDERHILL, of Massachusetts, gave assurance that strenuous efforts would be made to secure action on this important measure at the next session. In the meantime further study will be given to the best practical solution of this pressing problem as regards its application to the District of Columbia. A survey can also be made of legislation which has been suggested in the various States so that when Congress reconvenes the committee may have available complete evidence in the premises.

I can assure the people in the District of Columbia who have shown an interest in the bill of my best efforts at the proper time to convince Congress of the need of this or similar legislation. The day is not far distant when an irresponsible driver of a powerful engine will not have unrestricted use of the streets and highways of the District. It is to be hoped that those interested in the bill will make note of the expectation of prompt action next December and be prepared to support the measure, either individually or through their civic organizations.

BRIDGE ACROSS THE MISSISSIPPI RIVER AT NEW ORLEANS, LA.

Mr. DENISON. Mr. Speaker, by instructions of the Committee on Interstate and Foreign Commerce I call up the bill (S. 4229) to extend the time for completing the construction of a bridge across the Mississippi River near and above the city of New Orleans, La.

The Clerk read the bill, as follows:

Be it enacted, etc., That the time for completing the construction of a bridge across the Mississippi River near and above the city of New Orleans, La., authorized by act of Congress approved April 17, 1924, to be built by the city of New Orleans, a municipal corporation existing under the laws of the State of Louisiana, its successors and assigns, through its Public Belt Railroad Commission, is hereby extended five years from the date of the approval hereof: *Provided*, That it shall not be lawful to continue the construction of said bridge until plans thereof shall again be submitted to and approved by the Chief of Engineers and by the Secretary of War.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

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

A similar House bill was laid on the table.

BRIDGE ACROSS THE MISSOURI RIVER AT RANDOLPH, MO.

Mr. DENISON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 11338) authorizing the Kansas City Southern Railway Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Randolph, Mo., with Senate amendment, and agree to Senate amendment.

The Senate amendment was read and agreed to.

A DECADE IN CONGRESS UNDER REPUBLICAN DOMINATION

Mr. LANKFORD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject "A decade in Congress under Republican domination."

The SPEAKER. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. LANKFORD. Mr. Speaker, I am serving my tenth year in Congress and feel that a few observations as to the obstacles I have encountered are proper.

I was officially sworn in May 19, 1919, nine years ago to-day. President Wilson was still in the White House, but the Republicans had gained control of the Congress. They have held that control until this time. We Democrats have been and are at their mercy. Absolutely no bill can pass over the objection of the solid Republican forces. No bill can even be taken up in the House if only three or four leading Republicans on their steering committee object to it. Ofttimes when a bill is taken up we get some Republicans to break ranks and help the Democrats put on some good amendments. Ofttimes party lines disappear and Democrats and Republicans vote on both sides of a matter. I have heard Members criticized for voting with the Republicans.

When they vote on both sides of a measure we must vote with them or not at all. I am glad to vote with them when they vote my way. The only way we Democrats can pass any laws is by getting Republican help. Sometime ago a man in my district, who likes baseball, asked me if I did not like the great congressional game. I said yes; but I would like it so much better if I could help play the game with the Democrats in power. I then said to my friend, "How would you like a game of baseball if your side could not catch a single ball, hit a single ball, or make a single run without the consent of the other side?" My friend admitted he would not at all like any such a game. I then told him that we Democrats are up against just such a situation with the Republicans in power.

Mr. Speaker, it is so easy for one not in Congress to feel that if he should ever enter here, his appearance will be the occasion of great acclaim and he will come great wonders to perform. A new Member is soon disillusioned. He is instantly confronted with his helplessness. He can talk, introduce bills, listen, and learn, but if his party is not in power he is almost as helpless as a baby in the matter of securing the passage of worth-while legislation of his own.

Sometime ago I saw two very good pictures. One was of a new Member of Congress leaving his home town for Washington. He looked to weigh a thousand pounds or more. There were a dozen or more of his friends trying to get him on the train. He was too wide and entirely too high to even get on the platform of the train, much less get in at the door. The next picture showed his arrival in Washington. Like the "nigger's" catfish he had "shrunk up." He appeared to weigh about 10 pounds. The top of his hat did not quite reach the bottom step of the train coach from which he had just alighted. Well, it is not quite this bad, but please do not get the idea that a new Member finds nothing to do. The trouble is he finds everything to do, is handicapped on every side, and does not know how, when, or where to begin. He must begin at the A B C's of a new school course—a course which he can never complete, but in which he becomes more learned and more proficient as he stays here and labors hard for 5, 10, 20, or even 40 years, if he should live and serve as long as "Uncle" Joe Cannon.

Who are the great men in Congress? They are those who have been here 15, 20, and 25 years. They came here as young men and are now gray with age but wise in legislative matters. The great Members of the past became powerful not so much because of their great ability but because of their long service and years of legislative training. Great ability does not enable one to hurry to the front over the well-fixed rules of seniority in force here. The greatest orators of the country came here and like the rest of us must talk, study, introduce bills, offer amendments, and take their time waiting. Very few men get through the world "on flowery beds of ease" because of their ability. Many, many more with only reasonable ability succeed by staying on the job and working while others play. A Member of Congress can never become very helpful if he does not stay on the job, it matters not how much ability he may possess.

Many of the best Congressmen here are men of reasonable ability who endeavor to honestly give their folks conscientious service by staying on the job while others, ofttimes of greater ability, attend the ball games, play golf, go to shows, or indulge by day and night in the various social functions here. While failure awaits the more book-learned and mentally gifted Congressmen who indulge themselves in pleasures of a great city, a splendid success is sure to come to the Member of reasonable ability and hard-earned education, with the welfare of his constituents at heart, who stays on the job and studies by day and night the great problems of his people. Nothing but success can eventually come to the hard worker of even reasonable ability, while failure is written on every act of the man, even of great ability, who puts pleasure ahead of the service of his folks.

I repeat for a Member to become powerful here he must stay on the job, serve many years, have a reasonable amount of sense, and, above all, have at heart the welfare of the people who elect him from term to term. The very worst men here are the men of great ability who have become powerful by long service and yet who represent the big interests and the powerful monopilistic forces. It is most unfortunate for the common people that some of the ablest men in Congress—lawyers, if you please—represent the Power Trust, the Steel Trust, and other trusts just as fully as any lawyer ever represented a client in a courthouse.

Many of them represented big interests before they came; they represent them here and will continue to represent them when they leave here, unless they are shipped home in a box. The big interest paid them big fees before they came, paid them even larger amounts of money as campaign donations while they were running, and will continue to pay as "campaign contributions" just what they may wish to call for as the price for the betrayal of men, innocent women, and children—yes; for the betrayal of all humanity.

These Members in many cases are wealthy themselves and own stock in the big corporate interests which they represent so well here. Many other Members are not rich, but have represented as a lawyer the great trusts until they feel that any sort of exploitation of the people by the monopolies is but a higher form of patriotism. Then, again, the money of the big trusts elected them, the subsidized big dailies help keep them in, and in the future they are assured of the support of the money, big dailies, and every known and unknown agency of the trusts and big rich. They are loyal to their masters. They represent the crowd who elected them. They do not care for the voters personally. Money is their god. They proceed on the theory that money has elected them and will reelect them. There is a limit on the amount of money a candidate for Congress can legitimately spend. There is no limit on what the big interest spends for him and tells him about after the election. Enormous amounts of money, running to several times the salary of Members of Congress, are devoted and spent in an effort to get certain men elected. Why? Simply because the big interests expect and get returns a thousandfold.

The first and primary duty of many campaign managers of congressional candidates is to receive donations in amounts beyond that allowed by law and do the criminal campaign stunts of which the candidate may wish to plead ignorance. By the way, I have never had any one man as a campaign manager. I have succeeded very well so far with the whole

people whom I humbly seek to represent as my campaign managers. I have never felt like I needed a manager bad enough to put myself under too many political obligations to any one man.

I kind of feel like a fellow who must have a manager to help him run for office will need a manager to help him vote, make appointments, and discharge the duties of the office. Then, why not elect the manager to begin with if he is to feel he is the brains of the performance. I am not criticizing the selection of managers in state-wide or nation-wide elections when one man must have help in the way of handling legitimate publicity, and so forth.

I have on a few occasions had people come to me during a campaign and want to know who my manager was so they could see him. I told them I was the manager, and if the good people elected me I would still be the manager after I took office. You know a manager ofttimes makes promises which the candidate is expected to fulfill after election, and then some managers want to keep on managing the candidate even after he is elected. I have many many times felt good when I realized that I had no one political manager to tell me of obligations to corporations who made donations or gave help. There is a wonderful freedom in feeling that all the people elected you and that your duty demands loyalty to the whole people, and only them.

It is very seldom, if ever, money is offered to a Congressman outright for a vote or his help. I have never personally known of such an offer. They go after a fellow in a different way. They secure the help of many by selecting the candidate whom they are sure will do their bidding and then put up whatever money may be necessary to elect him. Of course, many Members are elected on whom the big interests have no strings. Well, such a Member is not permitted to represent his folks without a continuous warfare being made to capture him, and if he can not be taken in, then ofttimes he is marked for defeat. He gets invitations to come into the social swim, join clubs, attend so-called swell dinners where a few blistered English peas, stale chicken decorated with pin feathers, and other similarly unpalatable food is served in a smoke-filled room to a crowd of folks listening to a lot of jazz—so-called music—and cheap jokes. The Member and his folks get invitations to other social functions, such as dances, where they do not dance much, and dress parades where they do not dress much, and high society generally where the women puff their cigarettes, tilt their disdainful noses, paint profusely to hide the palor of their indifferent stare, and lacking modesty do not blush, but bring the blush of shame to modesty's cheek and the crimson of disgust to the face of decent men and women.

A Member who enjoys this kind of thing is soon taken over and in a little while feels his social obligations drawing him, and feels that these people with whom he enjoys so many hours are pretty good folks after all and that he ought not to fight them and ought to vote with them or perhaps just not vote at all.

> Vice is a monster of so frightful mien,
> As to be hated needs but to be seen;
> Yet seen too oft, familiar with her face,
> We first endure, then pity, then embrace.

For my part I do not attend such functions, nor any other entertainment where the enemies of my people are seeking to get me under obligations which would in the least deflect my service from the people who elected me. Then, again, I don't enjoy at all any such performances. I have received hundreds of invitations to free dinners and suppers, all of which I have ignored. Why should I attend? Why do they want me? They never asked me before I was elected. If I was defeated they would not invite me the day after I left Congress. They never invited any of my folks; why did they ignore my folks? I know why they want me and other Members of Congress. They hope to get us in line to jump when they say jump. They want us to feel kindly toward them. They want to come in between us and the folks we represent. They want to lead us into their way of thinking. They intend to bombard us with letters, literature, and come to see us sometime in behalf of their ideas and want us to be in a receptive mood so our minds will be as "clay in the potter's hand." And we hear from them ever and anon. They come into our office and approach us in all kind of ways. If the Member is from a farming district, they begin by telling him a certain bill in which they are interested is about to ruin the farmers, and so on. Although they never farmed a day in their lives, they make great protestations of their love for the farmer. All this on their part is, of course, the very basest of deception.

Just at this point I find it very interesting to ask them a few questions. Thus I force them to admit whom they represent and who is paying them as lobbyist to endeavor to mislead Members of Congress. When they are forced into the open it is very easy to see that they are for certain selfish interests regardless of the consequences to others. They then ofttimes come back by suggesting that I have probably received several letters and telegrams advocating their side and none from my farmer friends in opposition. This is true in almost every case. The big-moneyed interests are active all the time in behalf of their nefarious schemes. They always send more telegrams, write more letters, and have an army of paid lobbyists to dog the steps of Members of Congress in behalf of the bills they wish passed.

My farmer friends very seldom write me in behalf of a farm-relief measure. They do not have to. It is not necessary. I am for them body, heart, and brain, and will do all I can for them as long as I stay here in spite of all the wiles of those who oppose them and in defiance of all the bombardment of all who would destroy them. Thus the big interests try to elect their crowd. If they fail in this, they try to enmesh them in the social whirl or through their clubs or other activities of big-city life. If all this fails, they seek to scare us into doing their will by a bombardment of letters, telegrams, and such other methods as their paid lobbyists may desire.

Failing in all of this, they turn the bloodhounds of certain big dailies loose on our trail, and, if possible, defeat us and elect in our place some one who will do their bidding. I have been sorely criticized for my stand against Sunday desecration, for my fight against measures which sought to protect the criminal negro rather than the white women of the South and the Nation, and also because of my fight in behalf of the ultimate consumers and the farmers, and against the profiteers of the Nation. Especially is a Member subjected to a terrific bombardment by the newspapers here in Washington if he is not willing to betray the common people who elected him and vote just as the lobbyist of the big interest say vote. The big Washington papers are vultures of the press. A Member will never go very wrong if he simply does the things the Washington papers object to. If I found all the Washington papers supporting a measure I favored, I would be almost sure I was mistaken about my position. Here are a few of their inconsistencies.

When seeking enormous appropriations from Congress they say Washington is the Nation's Capital and should be improved by the money of the whole Nation. When an effort is made to pass some regulation to make Washington a law-abiding city, the papers say Congress is attempting to interfere with the District of Columbia and that the rest of the Nation has nothing to do with what happens here. They want the Government in business for the profiteer, but not for the common folks. They favor price fixing for everybody except the farmer. A few dollars spent for the farmer is wasteful extravagance, but millions stolen by their crowd is true patriotism. They worry over the safety of a rapist and make no decent defense of women and children. They desire to govern others, but do not wish to govern themselves. They subject women and children accused of small offenses to the scourge of pitiless publicity and heroize the most brutal of criminals. They seem to think that freedom of the press means the right to suppress the truth and oppress the right.

The conduct of Washington papers toward Members of Congress who do not do their bidding is simply a cheap form of blackmail. But let me further discuss the handicap of serving as a Democrat with the Republicans in majority in the House.

Not a single bill of importance bearing the name of a Democrat has passed during the last 10 years. No such bill bearing the name of a Democrat will pass while the Republicans stay in power. If a Democrat introduces a good bill and it becomes popular, it is copied and reintroduced in the name of a Republican. This is done so the Republicans will get all the credit for the measure. The big bills always bear the name of the Republican chairman of the committee which considers the bill. The Esch-Cummins Railway Act bears the name of the chairmen of both the House and Senate committees. This is also true of the Fordney-McCumber Tariff Act and the McNary-Haugen bills. The Volstead Act only bears the name of the then chairman of the Judiciary Committee of the House.

This explains why no big bill bearing the name of a Democrat has passed Congress since I came to Congress. Many people do not understand how Members get committee assignments. Up to a few years ago the Speaker appointed the committees and was ofttimes called the czar of the House. That day is gone and no longer are new committees made up at each session, as in the case of the State legislatures. Now, when a man is appointed on a committee, he stays on that committee as long as he stays in Congress, unless he resigns. The man on the side of the party in power who has been on the committee the

longest is the chairman of the committee as a matter of seniority.

Thus, in order for a Member to become chairman of a committee, he must get on and stay on the committee until all who are on when he first gets on either are defeated, die, or resign, and furthermore he must wait until his party comes back into power. For instance, Congressman J. R. Walker, of my district, came to Congress and went on the great Judiciary Committee, but he could not be chairman even though the Democrats were in power, for there were several Democratic Members on the committee ahead of him. He retired from Congress before he had a chance to be chairman of his committee.

In fact, if he had stayed in until now he would never have been chairman, for the Republicans have been in ever since he left. But if he had stayed in and was elected again this year, and if the House goes Democratic, he would next session be the chairman of the great Judiciary Committee after 16 years' service. He would be one of the most powerful men of the House and in position to do much more for his district than any new Member could do without waiting for a similarly long service.

I have never had a chance to get on the committee which Mr. Walker left, because when I came Mr. Wise, of the fifth Georgia district, had been in Congress longer than I and wanted this committee, and under rules of seniority of force in Georgia delegation he got it. When Mr. Wise retired Alabama got it, and Georgia has never been able to get a member on that committee since.

Each State does not have a Member on every committee. There are some big committees on which Georgia has no Members. Nearly every Georgia Member would rather be on the Committee on Agriculture than any other committee, and yet Georgia has no Member on that committee. Congressman Lee was on that committee, but when he was put on appropriations Mr. FULMER, of South Carolina, got on agriculture, and so Georgia will probably not get a Member on that committee unless the Democrats win this fall. If this happens we will get a larger number of Democrats on all committees and a Georgian will likely get on agriculture.

I should rather be on Agriculture than any other committee, and if I come back and the Democrats win, I stand a good chance. If all the Georgia Members come back there will be six who have been here longer than I have and five for a shorter period. Six will be entitled to choose ahead of me, but probably all of these will keep what they have, as they all will either be chairmen or very high on important committees. One hates to give up a high rank or chairmanship and go near the foot on a new committee. There is only one Member between me and the chairmanship of the Committee on Irrigation and Reclamation, and I understand he will probably become chairman of another committee, and thus make me chairman of the important Committee on Irrigation and Reclamation.

This committee has jurisdiction of drainage and reclamation in my district and the South. It would be the first time the South ever had a chairman of that great committee, and could not but mean the putting of the South on a parity with the rest of the Nation in drainage and reclamation.

Of course, if I got this chairmanship after all these years of waiting I would not give it up for another committee, with me going to the foot or near the foot, unless I thought I could render better service on the new committee. All would depend, for instance, on what happened in connection with the Committee on Agriculture. There are eight Democrats on that committee. If most of these went off by going on other committees or otherwise, and the Democrats were increased to the majority members of 14, and if 10 or 12 new members were appointed, all having been in Congress less than 10 years, I could afford to go on, for I would rank ahead of the new members, and thus be near the top.

The seniority rule applies in all committee assignments. When I first came here I found that we first had to find what could be secured for Georgia, and then Mr. Upshaw and I had to take what was left after 10 older Georgia Members had their choice. It takes years of service here to become qualified as a good legislator, and it takes even more time to get a good place on a good committee.

When Congressman Brantley retired and Mr. Walker came in, he could not at all begin where Mr. Brantley left off. Mr. Walker had to patiently begin at the bottom, which he did and builded nobly for six years. But I could not save his splendid work when I came. Down at the bottom I had to start and attempt to build again the rights of my district to preferences in legislation by reason of the long service of its Member. Now, if I quit, the results, in so far as committee assignments are concerned, of 10 years of effort and waiting will go with me and all must be done over again.

Just think of it, if the Democrats win this fall and Mr. Brantley had remained in Congress, he would be at the very top, being probably Speaker and next to the President of the United States in matters of national legislation. If Mr. Walker had remained, he would be chairman of one of the most powerful committees of the House.

There is no other place where length of service is so valuable as here. A Member easily adds to his usefulness 100 per cent every additional term. Many Members are twenty times as powerful as other Members. Why? Simply because they have been here twenty times as long as the other Members. The district that is always changing never gets the best services. The districts which keep Members in for long periods get the very best service and, in fact, their Members run the Congress.

Before I came to Congress I had an idea all speeches were printed free for Members and that speeches should not be mailed out free. The Member pays for the actual printing of speeches but gets free mail service. This free mail service is the franking privilege which is ofttimes criticized. It is ofttimes abused, as are all privileges, but it is very essential to our form of government. It is the privilege of the common people. The wealthy Member does not need free mail service. He would gladly pay postage if he was only able to prevent the Congressmen of small means using their frank as a protection of the common people. The man who receives large campaign contributions from the big interests and who has the big daily press back of him could absolutely destroy the Member of small means if he had no way to get his views and position in matters before the country.

The Member doing the will of the big rich would have unlimited money and newspaper publicity to hold him up to public gaze as a hero. The Member voting with the common people, if he was not rich, would be ridiculed out of office by the subsidized press of the Nation and would not be able to even fight back. With the franking privilege a Member can vote for the poorest of the poor, and with $100 each month out of his salary he can let his people know the truth about his record in spite of newspapers and all others attacking him. It is hard enough now for a poor man to vote and fight for the common people and stay in Congress, even with a franking privilege. He would be absolutely helpless without the RECORD and free mail service.

Should a man make a report of his work to his employer? If so, Members of Congress should make reports constantly to the people whom they are serving. Some never make reports to their people. They only have to report to the big boss who put up their campaign funds. Others have nothing good to report and, therefore, remain silent. I very much favor Members keeping their folks fully advised as to the Members' views and record in Congress. The franking privilege enables a Member to defend himself against false newspaper propaganda, and thus enables him to vote his conviction regardless of the position of the big press. I am glad to send my speeches and statements to my people and thus give them an opportunity to see if I am truly fighting for the right. I shall probably spend over $1,000 of my salary this year sending out speeches and remarks. Should I send out my remarks? Practically all other Members are letting the people know of their record and their views on various matters. Are my people entitled to the same consideration from their Congressman? I am sure they are. Are my remarks as worthy of distribution as others that are sent out? I hope so.

Many people have an idea that the congressional frank is the property of the Congressman. This is erroneous. It is intended that the frank be used for the people whom a Member represents. Let me illustrate what I mean. I intend to have printed in the CONGRESSIONAL RECORD at the request of the Brunswick Board of Trade and the Young Men's Club of Brunswick an address delivered by the Hon. R. W. Dunlap, Assistant Secretary of Agriculture, and have approximately 10,000 copies of the speech reprinted, folded, and placed in envelopes with my frank and sent to these organizations at Brunswick. These organizations can mail these speeches to whomsoever they please and without postage. Any person in my district can get me to print in the RECORD his remarks, and I can have them reprinted at actual cost of printing and sent to him in "frank" envelopes, and he can mail out a carload if he wishes. Of course, the Member is duty bound to only have printed and distributed under his frank matter he approves and which he believes is beneficial to the people of the country.

This explains another thing which is often misunderstood. The CONGRESSIONAL RECORD has long since ceased to be only a

record of what happens in Congress. It now contains a record of the congressional proceedings, and is also a periodical in which Members have printed their views and the views of their friends on various matters. By printing these extensions in the RECORD we get them before the country almost as well as if delivered, and we can then mail them free or let our friends do so. If Congress stayed in session day and night all the time, all the Members would not have time to express all they wish to get before Congress and the country. All Members who are working 100 per cent efficiently have their views printed in the RECORD and also deliver them on the floor. On the subject of farm relief, for instance, during the last six months I have made a half dozen or more speeches on the floor, I have printed several extensions of my own and of editors and others with whom I agree. I have talked farm relief over the radio. I talk farm relief every way, everywhere, and every time I get a chance. It is easy to talk, and I hope soon to help talk results out of Congress for the farmers.

Some weeks ago, when the Mississippi flood control bill had the right of way for the whole week, I was working day and night to get an amendment on the McNary-Haugen bill to prevent the levy of a tax on leaf tobacco on the floor in the warehouses when sold by my farmers. I was for the flood control bill. I did not want to talk on it as others living along the Mississippi, and who had studied the matter more, wanted all the time. I wanted to talk against the tobacco tax. I could have gotten time to talk on the flood situation but not against the tobacco tax. I could wait until next week, when the farm bill would be up, and get a little time. I knew I would not get much time, as Members who have been here longer than I and hold higher places on the committee would get most of the time. There would be hundreds of Members wanting time and many getting absolutely none. What was I to do? I did as I have always tried to do. I did the best I could. I got a permit to print in the RECORD a written argument against the tax. Therefore, the next morning I had that written argument against the tax on the desk of every Congressman, Senator, Cabinet member, and the President. I then saw every Congressman and Senator I could and argued against the tax and begged them to read my printed argument in the RECORD.

When the bill did come up I offered three amendments, all against this tobacco tax and other tax features, and made several speeches on the floor in support of my amendments. Ofttimes we can not do as we wish and must content ourselves with doing the best we can. This statement would be entirely too long were I to discuss all I would like to get before my people.

Mr. Speaker, since I am being sorely attacked, I feel I should briefly mention more specifically my humble efforts during my service here. I feel my best efforts are rarely worthy of the praise of others, and therefore come with apologies when I offer to mention them. I much prefer for others to tell of my labor in their behalf, and therefore shall mention only that which those I have helped may not know or happen to remember.

I know that specific results are remembered, but many people do not realize nor remember the toil and effort ofttimes necessary to bring to fruition our fondest longings. For instance, about six years ago there was much said about tax-exempt securities. The papers were full of it. Democratic and Republican Presidents had recommended the abolition of tax-exempt securities. Cabinet members favored the move, and it seemed everybody in Congress and out were against tax-exempt securities. The resolution passed Congress by more than two-thirds vote. The handful of us that spoke and voted against it were laughed at and sorely criticized. A few of us accepted our temporary humiliation, followed the bill to the Senate, and enlisted there the aid of Senator Thomas E. Watson, of Georgia, and others and defeated the bill. It came up again in the House; we fought it with all our might and defeated it. It is now absolutely dead, and I believe will never be resurrected. The small crowd was right, or we could never have been able to whip the whole big newspaper, political, and financial combine of the country. If this bill had ever passed, all bonds issued in the future would have been taxable, and consequently would have been sold for about $10 on the hundred less. The bonds would be taxable where owned in New York and other money centers. The loss would have come to the struggling community seeking to build a schoolhouse or to build a new courthouse or to make any other public improvement.

I made two long speeches against the bill. It has been said these are the best speeches I ever made. A few of us turned the tide. I only did my best, and claim only an humble portion of the credit for helping save nearly one-tenth of the cost of all new school buildings, courthouses, and other improvements made by bond-financed programs. The interest on all farm loans would have advanced if this bond-taxing resolution had been written into our Constitution. The defeat of this resolution helped every man, woman, and child in my district. Of course, it would take many days to tell in detail of all our contest. We have several every day on minor details and on major matters. I shall later mention a list of things I have done, giving a general idea of my work and how I vote.

Just here let me say the hardest work I do is when Congress is not actually in session. I used to wonder why Congress did not meet before 12 o'clock noon. I know now that it is because there is three and more times as much as a Member can do of a morning without Congress being in session. There are always several big committees in session. All this spring I tried to attend all farm-relief hearings from 10 to 12 of a morning. Many mornings two of my committees were in session with a dozen or more Post Office, Veterans' Bureau, and other matters pressing at the same time. Each day's mail would ofttimes bring one or two more days' work. All I could do was to work my office force full capacity, use the telephone all I could, and put in from 7 of a morning to 11 and 12 at night with scarcely enough time to eat.

I have spent many months here while Congress was not in session and have always been busy. Last summer I gained several big World War veterans' cases, meaning thousands of dollars to worthy veterans or their people. I now want to go home just as soon as this Congress adjourns, but I have not the heart to do it until I handle a dozen or more small cases and four large ones in each Atkinson, Appling, Berrien, and Brooks Counties. I hope to collect at least $40,000 for my people out of these four cases. If I stay 10 days on these a dozen more matters will come up before I get away. Finally, I will just have to select a day to go, get on the train, and leave part to be handled by my secretary. I shall not give the names of thousands of persons I have helped individually as veterans, officials, or otherwise. I leave that for them to mention as they may wish.

It would require too much time to mention the bills I have helped or fought. Let me simply attempt to make some general observations which will furnish a basis for my people to determine whether my record should be approved or not:

First. I have never missed a record vote on any matter expect when providentially absent.

Second. Have always put my work here ahead of every form of entertainment.

Third. Have worked and studied much harder than ever before in my life, ofttimes working until midnight.

Fourth. I often work on one bureau matter many, many hours, just as a lawyer does with a most difficult lawsuit.

Fifth. I feel that I am the paid counsel of the common people of my district and do my best to give them value received.

Sixth. I have always tried to vote and act on all matters just as the majority of my people would tell me to vote if they were here and familiar with all the facts.

Seventh. I have always felt I truly represented my people, for my people are their people and their folks are my folks, and I feel their thoughts and desires are my thoughts and desires.

Eighth. I have always felt that all the people of the district were my friends, as I have been several times elected without opposition and certainly had no ill will for a single individual who voted against me when I had opposition.

Ninth. I have never been unduly under obligations to anyone for campaign funds. No money was ever made up for me except some of my Douglas people made up a little money 10 years ago to buy some stamps and envelopes for me.

Tenth. I have never accepted any money other than my salary for anything I have done as Congressman, and have never received any campaign funds since my first election, and am not asking or expecting any now.

Eleventh. I have always refused all money for expenses or otherwise for speeches made in my district at schools or on other programs. I have permitted my hotel bill and railroad fare to be paid for speeches made near Washington, but never any fee.

Twelfth. I have acquired 10 years' experience and knowledge of congressional matters, enabling me to do five times as much as I knew to do when I came here.

Thirteenth. If the Democrats gain the House this fall I will be chairman of one of the major committees and in position to do for my people many times more than a new man could possibly do.

Fourteenth. I have always fought for cheaper fertilizers for the farmer. I helped to defeat a tariff on potash and saved the farmers millions.

Fifteenth. I am fighting for cheaper fertilizers at Muscle Shoals and cheaper electrical power for the ultimate consumer everywhere.

Sixteenth. I have labored most earnestly to eliminate unnecessary middlemen and to help the farmers to name the prices of the products of their toil.

Seventeenth. I have given special attention to farm relief, and have introduced a bill which I honestly believe is the best farm bill ever written.

Eighteenth. I have made in Congress many farm-relief speeches and have endeavored by years of study to become familiar with the many, many farm-relief ideas and proposals.

Nineteenth. I have come nearer passing than ever before a reasonable Sunday rest bill for the Nation's Capital.

Twentieth. My efforts here have caused preachers and the best people generally not only to select me to sponsor a Sunday bill for them but has caused them to fight with me.

Twenty-first. I have always endeavored to mail out all the speeches, and so forth, that I could afford to pay for, after making necessary payments to those I owe, and for expenses of my family.

Twenty-second. I have made many speeches which I have not been able to mail out; for instance, those in my efforts for farm relief,. in my contest in behalf of better prices for school, road, and other improvement bonds, and also several against social equality of the white and colored races.

Twenty-third. I helped to secure numerous small appropriations for various matters and secured the passage of many bills of a local nature.

Twenty-fourth. After much opposition in Congress I secured a Federal court for Waycross, in my district, thereby honoring Waycross with the distinction of being the first and only city in Georgia to become the headquarters of a second Federal court in the same congressional district. My district has twice as many Federal court grounds as any other congressional district in Georgia, and the people therefore can attend to their Federal court affairs much more quickly and cheaper than heretofore.

Twenty-fifth. Have fought for appropriations for post-office buildings for small cities in my district, but have met the same defeat as other Democrats. The only post-office building built in my district since the war was constructed in Douglas by an appropriation obtained by Mr. Brantley, and on a site I sold to the Government while Mr. Walker was in Congress.

Twenty-sixth. I have sought for 10 years to get a line up to pass a bill to construct the St. Marys-St. Marks Canal. Nothing like this could be put over for the South in face of the so-called Coolidge economy program. If the Democrats win this year, I believe this canal can be built. If the Republicans win, with Hoover the civil engineer, our chances will be good. I shall do my best in either event.

Twenty-seventh. I have always worked for river and harbor improvements for my district and shall continue to do so.

Twenty-eighth. I oppose a high tariff generally, but work for a tariff on products of my people to offset so far as possible the tariff on what they buy.

Twenty-ninth. I am bitterly opposed to the usurpation of the rights of the States by the Federal Government and deplore the passing of rights of the people to bureaus and bureau chiefs.

Thirtieth. I have fought the spoils system at every opportunity.

Thirty-first. I fought and made speeches against the settling of the Italian and other foreign debts in such a way as to donate to these countries millions and millions of dollars of the people's money.

Thirty-second. The eighteenth amendment is a part of the Constitution of the United States. I am sworn to uphold and defend it. In Congress I have consistently voted for its faithful and efficient enforcement. I stand for the enforcement of the law.

Thirty-third. I favor the repeal of section 15 (a) of the Esch-Cummins Transportation Act and the restoration of "a reasonable rate" as a basis of rate making. I voted against the Esch-Cummins bill. Freight rates on agricultural products and commodities which the farmer must buy are too high. I favor a survey of the whole rate structure with a view to its readjustment to meet present conditions.

Thirty-fourth. The Federal Government, because of its interest in post and military roads has a distinct interest in the maintenance of highways. Federal aid has always had my active support. It shall be my policy to advocate the extension of Federal aid in proportion to the advancement of road-building programs throughout the United States.

Thirty-fifth. For many years the salaries of postal employees and carriers were much lower than those of others in Government employ. I have voted for the adjustment of salaries to equalize them. The efficiency of the Postal Service should be maintained.

Thirty-sixth. In Congress I have supported restrictive immigration legislation. The conditions in Europe following the World War demanded that the United States protect its own interests and those of its people by preventing an influx of aliens. I voted against Japanese immigration and took an active part in preventing the administration from handling that question by a "gentlemen's agreement." To have tolerated such a policy would have given immigration the color of being an international question. It is purely a domestic question, subject alone to the action of Congress and the American people. No other nation nor foreign influence has any right either to dictate or suggest to the people of the United States what their policy shall be with reference to immigration.

Thirty-seventh. I have left off some large committee assignments I could have secured so as to stay on the committee dealing with drainage and so as to make a fight to give the wet lands of the South the same help given in the way of irrigation to the lands of the West. I feel the logical time is at hand to put the South on a parity with other sections in matters of drainage and otherwise.

Thirty-eighth. I have fought to save for the people the great God-given assets, such as Muscle Shoals, the public forest, the oil properties, and so forth.

Thirty-ninth. I have endeavored to legislate on the theory that if the common people are prosperous their prosperity will inure to the benefit of all rather than on the theory that if the rich are made richer that in some mysterious way enough will ooze through the pockets of wealth for the common folks.

Fortieth. I have been true to the common people. As God gave me to see the right I have labored for the man of toil in shop, factory, and farm, and for the common people everywhere. I have done my best. My conscience is clear.

Mr. Speaker, of course I can not mention in a few minutes all that I have done in Congress in nearly 10 years. We all realize that the World War more than doubled the duties of Members of Congress. Hundreds of claims come to Members which we are glad to handle. Nevertheless, much time is required. Congressmen are no longer lawmakers only. We have become the general counsel for the people of our district. I am glad it is this way. We stay in closer touch with our people. We know more fully their cares when they write us for help in every possible trouble. Our people have honored us. We are getting a fair salary. We should render the most efficient service possible. No Member can personally handle all that comes through his office if he stayed here all the time and never put any time at all on the matter of making laws. Necessarily much is gained by an efficient, conscientious secretarial force. I am most fortunate in this respect. Mrs. Nanna G. Cross, formerly Miss Nanna Griffin, of Valdosta, sister of Mr. Newton Griffin, of Valdosta, and aunt of Mrs. Governor Hardman, has charge of my office work in Washington. She has been in Washington handling departmental work for nearly 30 years and knows more about the work here than most Congressmen. With her experience and mine we are able to dispose of many important matters much more efficiently and with one-tenth of the time required by any new Member and new office force. Honestly, I do not believe any congressional office in Washington handles the matters submitted more efficiently than mine.

I am not claiming this credit; it is largely due to the efficiency and painstaking efforts of Mrs. Cross. I purpose keeping my office open here all the year for the transaction of the business of my people as long as I stay in Congress, and as long as Mrs. Cross consents to remain in charge. Most Members close their office when Congress adjourns. Some discharge part of the secretarial help. I find that the very best service can be given by my office remaining open all the while.

My brother, Mr. Henry L. Lankford, of Pearson, is my clerk, and as such handles matters for me in Georgia the year round. He pays out of his allowance the salary of from one to three persons here to help in the office, address envelopes, and do whatever other work is required. He gives special attention to me in my efforts to serve the people when I am home, hauling me in his car and doing whatever else is required in his capacity as my clerk. He at all times shows to me in my congressional efforts the loyalty not only of an employer, but that of a brother, even thought ofttimes he saves nothing out of his salary as my clerk.

Mr. Speaker, I hesitate to mention a personal matter which I feel has been unnecessarily emphasized by those who seek to get the attention of the public away from the real merits of my official record. I would not at this time mention that which has caused me more embarrassment and forced on me more

sleepless nights than all else if I did not feel that it would not be fair for my entire record here to be misunderstood because of a wrong impression of me.

It is being urged that I should not be given full credit for my services here and am not entitled to future confidence of my people, because I have not been able since I came to Congress to pay all I owed when I was first elected. Let me frankly confess I still owe part of what I owed 10 years ago. I have paid court cost, attorneys' fees, interest, taxes, and loan commissions and cut the principal down to less than one-fifth of the original amount. In spite of more hospital and doctor bills than ever in all my life before, and thousands of dollars spent keeping my wife and three children in the West for the last three years on account of my son's illness, I have averaged paying about half my salary on my debts every month. Many Congressmen say they can not live on their salary. My family and I get along on one-half of mine, and I pay the other half to my creditors. I have not owned an automobile since I came here. I do not intend to spend money I can possibly avoid while I am owing money that is justly due and unpaid.

I have always arranged for all rents of properties in which I am interested to be collected by some agent and go directly to those holding liens against the property. Four or five hundred dollars per month is now going on my debts, and if God gives me life and strength, I hope to get out in less than three years more. I have not paid out since I came to Congress simply because I have not had time with my present income. Before I was first elected I lost some money on corporate stocks and built an office building costing $32,000 of borrowed money. That building alone has cost me over $15,000 out of my salary since I came to Congress. I have never received one cent net out of it. I hope, though, in the near future to get it where it will pay me a profit each month. Even though it has been a burden to me, this building has yielded to my city, county, and State over $10,000 in taxes since it was built.

A large part of what I now owe is practically unsecured, but I hope to pay every dollar of it, nevertheless. I have paid all my indebtedness over and over in embarrassment and remorse of conscience, but I want to see the happy day when once again I can know that I do not owe a dollar that is past due and unpaid. My people trusted me and elected me when I owed five times what I now owe. I have done my best to prove worthy of that trust in service and in a serious effort to pay what I owe. I have had no income except my salary and a small amount in rents. I could have gone into bankruptcy, but that would not have paid what I owe. I am struggling to pay out, and feel I should not be condemned for not being quite out yet.

Some have criticized me for buying a home and a little other property here. When I came here I was determined not to buy anything, as I already owed too much. I soon found though that it would cost me much more to rent than it would to buy with a small cash payment and monthly installments. In fact, I gave up an undesirable apartment at $145 a month, paid $500 cash on a house and began to pay $125 a month installment. I rented the upstairs at $65, so I was actually saving $80 a month by buying and getting a little paid on a piece of property. That piece of property is still paying for itself. In brief, the property I bought here is paying for itself, and I have been able to pay more on my debts down in Georgia than I could have paid if I had kept on paying big rents rather than buying.

I heard the other day that some one said I owned some property in California. That is good news to me. I did not know of my good fortune. Honestly, I do not own any land anywhere. I am trying to pay for some. I never at any time bought any land anywhere except down home and here.

I apologize again for this diversion. I felt I owed it to my people to advise them of the facts.

Mr. Speaker, I feel that my hardships in life have not disqualified me to represent my people. In my heart I know that I owe everything I am or ever hope to be to the common people of my district. I can never repay them. No man who has not lived with them and suffered with them knows the agonies of mind and body that they have endured. No man who is not in fullest accord with my people can truly represent them. On every hand, every hour, I am reminded of the unfair economic systems and discriminatory laws which deprive the people of my section of a just return for their efforts. I know how these systems and laws enslave them and their children, and still I remember my people's fortitude, patience, and patriotism.

It is my humble prayer as their Representative and as one who is in sympathy with their every heart throb that, they having endured all and suffered all, receive all that is justly theirs.

EDMUND F. HUBBARD

The SPEAKER laid before the House a message from the President of the United States, which was read, as follows:

To the House of Representatives:

H. R. 10139, entitled "An act for the relief of Edmund F. Hubbard," is hereby returned without my approval. Attached hereto is a letter from the Secretary of War giving reasons why the bill ought not to become a law. If this bill stood alone it might not be of enough importance to warrant adverse action on the part of the President. It is one of a considerable number of bills which have been passed, two of which have already reached me. These cases for reinstatement involve the review of very careful action which is always taken when men are retired or discharged from the Army, and I can see no reason for passing special bills for relief of this kind.

CALVIN COOLIDGE.

THE WHITE HOUSE, *May 18, 1928.*

Mr. TILSON. Mr. Speaker, I do not see a member of the Military Committee here, and I move that the message be referred to the Committee on Military Affairs.

The motion was agreed to.

The objections of the President were ordered to be spread upon the Journal.

GEORGE R. ARMSTRONG

The SPEAKER laid before the House another message from the President of the United States, which was read, as follows:

To the House of Representatives:

H. R. 4664, entitled "An act for the relief of Capt. George R. Armstrong, United States Army, retired," is hereby returned without my approval. Attached hereto is a letter from the Secretary of War setting out reasons why this bill ought not to become a law. If it stood by itself it might not be important enough to warrant a veto. It is a bill, however, of a series which have been passed, two of which have already reached me, and taken in its connection with others of a like nature I am unable to give it my approval.

CALVIN COOLIDGE.

THE WHITE HOUSE, *May 18, 1928.*

Mr. TILSON. Mr. Speaker, I move that the message be referred to the Committee on Military Affairs.

The motion was agreed to.

The objections of the President were ordered to be spread upon the Journal.

COWLITZ TRIBE OF INDIANS

The SPEAKER laid before the House another message from the President of the United States, which was read, as follows:

To the House of Representatives:

I am returning herewith H. R. 167, "An act to amend the act of February 12, 1925 (Public, No. 402, 68th Cong.), so as to permit the Cowlitz Tribe of Indians to file suit in the Court of Claims under said act," without my approval.

These claims amount to approximately $1,584,800, which represents the value, at $1.25 per acre, of 1,267,840 acres of land in the aboriginal possession of the Indians.

In returning S. 1480, without my approval, I said:

These claims are not based upon any treaty or agreement between the United States and these Indians, nor does it appear to me that they are predicated upon such other grounds as should obligate the Government at this late day to defend a suit of this character. The Government should not be required to adjudicate these claims of ancient origin unless there be such evidence of unmistakable merit in the claims as would create an obligation on the part of the Government to admit them to adjudication. It seems to me that such evidence is lacking.

The same objections apply to this bill—H. R. 167. I am compelled, therefore, to withhold my approval of this bill.

CALVIN COOLIDGE.

THE WHITE HOUSE, *May 18, 1928.*

The objections of the President were ordered to be spread upon the Journal.

Mr. LEAVITT. Mr. Speaker, I move that the message be referred to the Committee on Indian Affairs.

The motion was agreed to.

COORDINATION OF PUBLIC-HEALTH ACTIVITIES IN THE GOVERNMENT

The SPEAKER laid before the House another message from the President of the United States, which was read, as follows:

To the House of Representatives:

Herewith is returned without approval H. R. 11026, a bill to provide for the coordination of the public-health activities of the Government, and for other purposes.

This act, in my opinion, is so framed as to undertake to take away and limit the constitutional authority of the President to make appointments. I have been furnished with a memorandum by the Attorney General, in which I concur, that is as follows:

This act contravenes section 2, Article II, of the Constitution of the United States, in that it creates offices of the United States to be filled by appointment by the President, with the advice and consent of the Senate, and at the same time not only limits the choice for appointees to such offices to persons who possess the qualifications of passing an examination conducted by a board of officers convened by the Surgeon General of the Public Health but also limits the choice among individuals possessing such qualifications to persons who are recommended by such board and by the Surgeon General, thereby attempting to vest in such board and in the Surgeon General participation in the executive function of appointment of officers of the United States, which function can be vested in and exercised only by the President, with the advice and consent of the Senate, the President alone, the courts of law, and heads of departments.

I am not unmindful of the primary purpose of this bill to coordinate the public-health activities of the Government, and the importance of enlarging the facilities of the Public Health Service to enable it to deal more effectively with Federal health problems.

Under the provisions of the act of January 4, 1889, medical officers of the Public Health Service are appointed by the President, by and with the advice and consent of the Senate. In the bill under consideration it is proposed to extend this method of appointment to include sanitary engineers, medical, dental, and other scientific officers, including pharmacists engaged on comparable duties, selected for general service and subject to change of station. At the present time sanitary engineers are serving as civil-service employees, and dentists are serving under reserve appointments. While the bill does not provide for new personnel, it is my understanding that approximately 100 sanitary engineers, dental, medical, and other scientific officers, now on the Public Health Service rolls, will be eligible for appointment to a regular commissioned status, divided about equally among the classes named.

For some time past there has been a definite movement among various groups of Government professional and scientific employees toward militarization of their respective services, and I am impelled to oppose this movement from the standpoints of both economical administration and public policy. From an economic standpoint the method of appointment of the civilian personnel should be such that the force of Government employees can be increased or decreased as the needs of the service or condition of the Treasury makes necessary. But more important still, I do not believe that permanency of appointment of those engaged in the professional and scientific activities of the Government is necessary for progress or accomplishment in those activities or in keeping with public policy. If this were the only objection, I might have been inclined to overlook it, though I feel it is one that ought to be corrected in the preparation of any new legislation. The unconstitutional feature, of course, I could not overlook.

The Secretary of the Treasury, who has administrative supervision of the Public Health Service, in 1927 stated to your body his belief that legislation for the unification of the method of appointment of professional personnel, in so far as it would give a military character to the Public Health Service, was unnecessary in the civilian service of the Government, and that there should be eliminated from the legislation any provision which gives a military status to officers or employees of the service engaged in scientific pursuits.

The other provisions of the bill have my entire approval, and if the unconstitutional feature should be removed and the militarization feature removed I should be pleased to approve it.

CALVIN COOLIDGE.

THE WHITE HOUSE, *May 18, 1928.*

The objections of the President were ordered to be entered upon the Journal.

Mr. PARKER. Mr. Speaker, I move that the message be referred to the Committee on Interstate and Foreign Commerce.

The motion was agreed to.

NIGHT WORK IN THE POSTAL SERVICE

The SPEAKER also laid before the House a further message from the President of the United States, which was read, as follows:

To the House of Representatives:

Herewith is returned, without approval, H. R. 5681, a bill to provide a differential in pay for night work in the Postal Service.

Night work has always been a necessary and characteristic feature of employment in the Postal Service, and notwithstanding the continuous campaign that has been carried on by the Post Office Department for a number of years, with some measure of success, to induce the public to mail early in the business day rather than just before its close, it is evident that the expeditious distribution, dispatch, and delivery of the mails will continue to require the greater part of postal work to be performed between the hours of 6 o'clock in the evening and 6 o'clock in the following morning.

It is estimated that the provisions of the bill now returned would add $6,456,000 to the present annual cost of the Postal Service. The operating deficit in postal revenues for the fiscal year ended June 30, 1927, payable from the general fund of the Treasury derived from taxes, duties, and miscellaneous receipts, was over $31,500,000. For the fiscal year 1928 it is estimated that the deficit will be about $32,400,000, and for the fiscal year 1929 about $28,300,000. There is now pending before the Congress a bill (H. R. 12030) revising postal rates. As passed by the House of Representatives it is estimated that the bill will cause an annual decrease in postal revenues, and a corresponding further increase in the postal deficit, based on current mailings, of $13,585,000. As passed by the Senate it is estimated that the bill will cause an annual decrease in the revenues and a corresponding further increase in the deficit of $38,550,000.

With these figures before me I am not disposed further to increase the burden on the taxpayers of the country for the maintenance and operation of the Postal Service, especially in view of the very substantial increases in pay given postal employees under the so-called postal reclassification act, approved February 28, 1925. Moreover, it is my understanding that a proposal to establish a night-work differential was considered by the proper committees of Congress in connection with the reclassification legislation, and eliminated by them because of the substantial flat-rate increases in pay that had already been agreed to and which were subsequently included in the reclassification act. If night work in the Postal Service has any basis whatever for a differential in pay, the action of the committees referred to would indicate that the present-pay schedules include it.

It should be recalled that the postal-pay increases which I approved caused an increase in the Budget for 1926 of about $65,000,000. Every committee that approached me urged that this increase be granted because of certain night work that was involved in the duties of the postal clerks. It is well known that the pay received by those so employed is in excess of that which is paid for corresponding work in private enterprise. While I believe in good wages, they can only be advanced as our economic position improves. The burdens of the war debt have to be borne by all our people. The almost irresistible tendency of Government expenditure is to mount higher and higher. All increases which are not absolutely necessary ought not to be incurred. The officials of the Government who are charged with the conduct of its affairs ought not to yield to constant and organized clamor for increases in pay, unless they are justified by the clearest evidence.

CALVIN COOLIDGE.

THE WHITE HOUSE, *May 18, 1928.*

The objections of the President were ordered to be spread upon the Journal.

Mr. LAGUARDIA. Mr. Speaker, I move that the consideration of the President's veto message be postponed until Tuesday next.

The SPEAKER. The question is on the motion of the gentleman from New York.

Mr. SWING. Mr. Speaker, will that be open to debate?

The SPEAKER. It will be in exactly the same situation on Tuesday next that it is now. It will be open to debate unless the previous question is ordered.

The motion of Mr. LAGUARDIA was agreed to.

ALLOWANCES FOR RENT, ETC., FOURTH-CLASS POSTMASTERS

The SPEAKER also laid before the House the following message from the President of the United States, which was read:

To the House of Representatives:

Herewith is returned, without approval, H. R. 7900, a bill granting allowances for rent, fuel, light, and equipment to postmasters of the fourth class, and for other purposes.

The bill would necessitate an increase of approximately $2,865,000 in the annual postal expenditures, based upon the aggregate compensation of postmasters of the fourth class for the fiscal year 1927. This amount would be increased or decreased as the compensation of postmasters for the fiscal year 1929 increases or decreases.

It is well known that fourth-class post offices are generally carried on in connection with the private business of the postmasters, usually in country stores, and are regarded as beneficial to the business. The space occupied is ordinarily insignificant and the location of the post office in the storerooms seldom involves additional expense for rent, light, and fuel.

The compensation of postmasters of the fourth class was materially increased by the act of June 5, 1920; again by the act of July 21, 1921; and again by the act approved February 28, 1925. In the debates preceding the passage of these acts the fact that postmasters at offices of the fourth class are required to furnish at their own expense quarters, including light and fuel, was brought out. It is not improbable, therefore, that part of the increase in compensation granted by these acts was due to the fact that the postmasters are required to furnish these facilities.

I believe that postmasters of fourth-class post offices are now reasonably compensated and, therefore, am not in favor of the additional compensation which this bill provides for.

CALVIN COOLIDGE.

THE WHITE HOUSE, *May 18, 1928.*

The SPEAKER. The President's message will be spread at large upon the Journal.

Mr. LAGUARDIA. Mr. Speaker, I move that the consideration of the President's veto message be postponed until Tuesday next.

Mr. UNDERHILL. Mr. Speaker, what is the purpose of this motion? Is it so that we may be deluged by telegrams from various parts of the country, or is it for the purpose of expediting business?

The SPEAKER. The Chair would hardly regard that as a parliamentary inquiry. The question is on the motion of the gentleman from New York to postpone the consideration of the President's message until Tuesday next.

The question was taken; and on a division (demanded by Mr. UNDERHILL) there were—ayes 138, noes 53.

So the motion was agreed to.

SAN FRANCISCO AND THE HETCH HETCHY GRANT IN YOSEMITE NATIONAL PARK

The SPEAKER. Under special order of the House, the Chair recognizes the gentleman from Michigan [Mr. CRAMTON].

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to revise and extend my remarks, and in doing so to insert certain letters and opinions of the Attorney General and some extracts of proceedings.

The SPEAKER. The gentleman from Michigan asks unanimous consent to revise and extend his remarks, and in connection therewith to insert certain letters and opinions of the Attorney General and other matters. Is there objection?

There was no objection.

Mr. CRAMTON. Mr. Speaker, the generous grant of important rights in one of our greatest national parks to meet the water needs of one of our greatest cities, the failure of that city to carry out its obligations under that act, its unwarranted and unnecessary interference with the administration and use of the park, and the conversion to private profit of water power stipulated as only for public use—these are the things I wish to bring to your attention to-day.

I do so not only in the hope that the situation outlined may be aided by thus challenging national attention to it but in order that the experience of the Federal Government in this instance may warn us of the care and conservatism that should govern us in any grant of the Federal domain for local benefit, and the stringency of the safeguards requisite to adequately protect the public interest.

There was a time when the words Hetch Hetchy were as common sounds in this Chamber as McNary-Haugen, Muscle Shoals, or Boulder Dam. The cause they represented, water supply for the city of San Francisco through construction of reservoirs in Yosemite National Park, had sufficient force to cause action upon it by this House in the first session of the Sixty-third Congress, in September, 1913, the opening special session of the Wilson administration. In that session a resolution of the caucus of the Democratic Party, the majority party, limited the business of the session to appropriation bills, the revision of the tariff, and the enactment of the Federal reserve banking act. So great was the pressure of the Hetch Hetchy legislation that it won a place on that select program. Against it John Muir, Robert Underwood Johnson, and other nature lovers of national repute and influence were arrayed and their pronouncements brought nation-wide protests from women's clubs and others against the alleged despoilment of one of our greatest national parks.

That was my first session as a Member of this House and the whole controversy made a lasting impression upon me, so that I have personal knowledge of the subject I am discussing.

I am bringing to-day to your attention the shocking breach of faith by the city and county of San Francisco in its subsequent conduct in connection with the grant then secured from the Federal Government, a breach of faith threefold in character, involving (1) failure to construct roads and trails and convey lands that were expressly stipulated conditions of this grant, (2) undue interference with the administration and use of the Yosemite National Park for proper and essential park purposes, and (3) diversion of power to the profit of a private company in violation not only of the whole spirit of the act but its express terms.

THE CONTEST OVER THE HETCH HETCHY GRANT

The Hetch Hetchy bill was based upon the alleged desperate necessities of the city of San Francisco for additional water supply. In opening the debate upon it in the House, Hon. Scott Ferris, then chairman of the Committee on the Public Lands, which reported the bill, said:

> This bill, as the committee knows, is known as the San Francisco Hetch Hetchy waterworks bill. The committee has been convinced by conversations had with Secretary Lane, with city officials of San Francisco, and conversations and hearings had with 11 Members of Congress from California, that the city of San Francisco is suffering from a water famine. (Vol. 50, CONGRESSIONAL RECORD, p. 3894, August 29, 1913.)

He quoted a letter from Secretary Lane dated May 29, 1913, which stated:

> The newspapers and others are keeping it as quiet as possible, but the situation is one of emergency and of actual distress.

Hon. John E. Raker, who introduced the bill, said to the House:

> San Francisco urgently needs an additional supply of water. The city is confronted by an emergency. Practically one-third of the municipality is without an adequate water supply. The condition is so grave that the water company now supplying the city has advertised in all the papers, warning the people not to wash down their steps, sprinkle their lawns, or otherwise waste water. (RECORD, p. 3900, vol. 50.)

Such was the need that was proclaimed. To meet this, it was proposed to grant—

> to the city and county of San Francisco certain rights of way in, over, and through certain public lands, the Yosemite National Park, and Stanislaus National Forest, and certain lands in the Yosemite National Park, the Stanislaus National Forest, and the public lands in the State of California—

And so forth.

Most important was the right to build a great dam 300 feet high to create in Hetch Hetchy Valley of the Yosemite National Park a tremendous water-storage reservoir.

This Hetch Hetchy Valley, some 20 miles from the famed Yosemite Valley, was thus described by John Muir at that time:

> The Hetch Hetchy Valley is a wonderfully exact counterpart of the great Yosemite, not only in its cliffs and waterfalls and peaceful river, but in the gardens, groves, meadows, and camp grounds of its flowery, park-like floor. (Letter of June 27, 1913, quoted, RECORD, p. 3973, vol. 50.)

Many Members of the House were gravely concerned by such allegations of despoilment of a national park. The bill was, on the other hand, vigorously urged by the entire California delegation (see letter of August 1, 1913, Exhibit A), supported by the unanimous report of the Committee on the Public Lands, was approved by the Departments of the Interior and of Agriculture, and ably championed in the House by Chairman Ferris and Representatives Raker, Julius Kahn, and William Kent, of California, FRENCH, of Idaho, Thomson, of Illinois, and others.

So positive and explicit were the claims made as to the need for water and the assurances given in debate as well as the terms attached to the grant in the bill, that we were satisfied to give the city its reservoir. The city was desperate and had no other feasible source, the beauty of the park would not be disturbed but would be enhanced and made accessible to the many instead of restricted to the few, the limited sanitary requirements would not only not interfere with use of the park area but campers would be encouraged and places made available for them, beautiful scenic roads and trails to be provided by San Francisco in return for the grant would open a new park area of charm and beauty, and all was for the superior public interest, nowhere was private profit to be served. And so we voted for Hetch Hetchy and it became law. The following present Members of the House were among those voting for the bill: ASWELL, BELL, BUCHANAN,

BYRNS, COOPER of Wisconsin, CRAMTON, CRISP, CURRY, DICKINSON of Missouri, DOUGHTON, DYER, EVANS of Montana, FRENCH, GARNER of Texas, GARRETT of Tennessee, JOHNSON of Washington, KELLY, LINTHICUM, McLAUGHLIN, MAPES, MONTAGUE, NELSON, of Wisconsin, OLDFIELD, POU, RAYBURN, RUBEY, SABATH, SINNOTT, STEDMAN, SUMNERS of Texas, TAYLOR of Colorado, TEMPLE, WINGO, WOODRUFF. Present Members of the House voting against the bill were BRITTEN, COLLIER, and GARRETT of Texas.

FIFTEEN YEARS HAVE PASSED

Now, it is 15 years later. San Francisco has built the dam and many miles of waterway, but not one drop of water from Hetch Hetchy has ever been used to augment the water supply for San Francisco, and until the past few weeks no serious move made in that direction. Power has been developed and in direct and open violation of the grant is sold to a private power company. The roads have not been built and in response to the official demand of the Secretary of the Interior for compliance with the grant the city questions the character and extent of the roads required. And not only does the city served by the grant fail to perform its promises to make new park areas accessible to the public but by high-handed, entirely unjustified interference in park administration it has sought to virtually exclude the public from fishing and camping in the Tuolumne watershed, approximately half to two-thirds of the great Yosemite Park area.

THE OBLIGATION TO BUILD ROADS AND TRAILS

The Raker Act provided in section 9 (p) that certain roads and trails should be built in the Yosemite National Park. Under date of July 7, 1927, Hon. Hubert Work, Secretary of the Interior, made formal demand upon the city and county of San Francisco—

to require performance by them of all matters required of them in the act of December 19, 1913—

Including construction of these roads and trails. (See Exhibit B.) To this the city replied, October 13, 1927 (see Exhibit C), urging that roads of the type called for, estimated to cost $1,628,500, were not contemplated by the act. In conference it was urged that—

the road and trail provisions in the act were included merely for the purpose of having the city provide roads and trails for patrol purposes in connection with the administration of the park but not for tourist travel.

The gentleman from California [Mr. WELCH], who was for a long time a member of the board of supervisors of San Francisco County, was then present and was understood to have that point of view. At the time of his departure for Washington, November 30, 1927, the San Francisco Chronicle stated:

Congressman WELCH, whose familiarity with the Raker Act and the whole Hetch Hetchy project comes from his long service as a supervisor here, is out to do battle with Stephen Mather, Director of National Parks, and those who want to force San Francisco to expend more than a million dollars for Hetch Hetchy road construction. San Francisco taxpayers should not be forced to pay thousands of dollars for boulevards in Hetch Hetchy when only wagon roads and trails were contemplated when the Raker Act was passed by Congress.

San Francisco raises the question as to what the Raker Act required. Those who were here at the time or those who will read the record can have no doubt. The city agreed in 1913:

(p) That this grant is upon the further condition that the grantee shall construct on the north side of the Hetch Hetchy Reservoir site a scenic road or trail, as the Secretary of the Interior may determine, above and along the proposed lake to such point as may be designated by the said Secretary, and also leading from said scenic road or trail a trail to the Tiltill Valley and to Lake Vernon, and a road or trail to Lake Eleanor and Cherry Valley via McGill Meadow; and likewise the said grantee shall build a wagon road from Hamilton or Smoths Station along the most feasible route adjacent to its proposed aqueduct from Groveland to Portulaca or Hog Ranch and into the Hetch Hetchy Dam site, and a road along the southerly slope of Smiths Peak from Hog Ranch past Harden Lake to a junction with the old Tioga Road, in section 4, township 1 south, range 21 east, Mount Diablo base and meridian, and such roads and trails made necessary by this grant, and as may be prescribed by the Secretary of the Interior. Said grantee shall have the right to build and maintain such other necessary roads or trails through the public lands, for the construction and operation of its works, subject, however, to the approval of the Secretary of Agriculture in the Stanislaus National Forest, and the Secretary of the Interior in the Yosemite National Park. The said grantee shall further lay and maintain a water pipe, or otherwise provide a good and sufficient supply of water for camp purposes at the Meadow, one-third of a mile, more or less, southeasterly from the Hetch Hetchy Dam site.

That all trail and road building and maintenance by the said grantee in the Yosemite National Park and the Stanislaus National Forest shall be done subject to the direction and approval of the Secretary of the Interior or the Secretary of Agriculture, according to their respective jurisdictions.

I might call attention at this time to the map which I have here. It is a map of the Yosemite National Park. The part of the park best known is the valley of the Merced. The valley of the Hetch Hetchy, affected by the legislation that I am discussing, is up here, some 20 miles away. Gentlemen will note that the great area of the Yosemite National Park as shown on this map, the greater part of which is scarcely ever seen by anyone, and some of which has never been visited.

Mr. COOPER of Wisconsin. Mr. Speaker, if the gentleman will permit, will he kindly indicate in what direction San Francisco is from the section of the map he has been referring to?

Mr. CRAMTON. Here is a road to Stockton, and here is a road to Merced. San Francisco would be off in this direction, a distance of 160 miles, as I recall it.

Those roads and trails specified in the act are vital to the proper development of Yosemite National Park, tremendously needed now with the great increase of attendance there. The attendance, chiefly of Californians, has trebled in two years, and last year was 490,000 people.

Mrs. KAHN. That is at Yosemite Valley.

Mr. CRAMTON. Yes; necessarily the visitors would go to this valley because of the lack of roads and other developments to enable them to get into these other areas, but the situation is considered so important that in the Interior appropriation bill for the year 1929 there is carried an authorization for the creation of a commission that is now at work studying the problems of the Yosemite Park with a view to working out some way to get the visitors out of this congested area so that they may enjoy the tremendous areas there are throughout all the rest of the park. In that development the construction of these roads by San Francisco is a necessary part. But do not let anyone get the idea that the Federal Government is sitting back and leaving it all to San Francisco to do. We have expended and authorized for roads in that park $2,023,000, and the program in the future that is under way will call for something like $11,000,000 more. But the little $1,600,000 that San Francisco promised to open up this area is what I am talking about now.

The records of the past fully sustain the Secretary of the Interior and absolutely disprove any such contentions as San Francisco now urges. The brief submitted to the Committee on the Public Lands of the House by San Francisco, signed by Percy V. Long, the city attorney; the statements made before the Public Lands Committee by Engineer O'Shaughnessy and by Franklin Lane, former city attorney of San Francisco and then Secretary of the Interior; the report to the House by Congressman Raker, the introducer of the bill; the speeches of Judge Raker, Chairman Ferris, and Congressman Julius Kahn, of San Francisco, in the House, and of Senator KEY PITTMAN, who led the fight for the bill in the Senate, all expressly urged the value of these roads and trails in developing that section of the park for public use. Not only that, but those gentlemen who led the fight for San Francisco construed the language of the act as leaving the character of the improvements entirely to the discretion of the Secretary of the Interior, promised automobile roads and stated such roads and trails would cost from $500,000 to $1,000,000. The roads that would have cost from $500,000 to $1,000,000 in 1913 would naturally cost more than $1,600,0000 to-day.

Mr. O'Shaughnessy told the Public Lands Committee that San Francisco submitted itself entirely to the discretion of the Secretary of the Interior "as to the character of these improvements"—said they were ready to pay $1,000,000 for roads.

He said in the hearings:

Mr. GRAHAM. The road, of course, would be located especially with a view to exposing the scenery and beauty of the place?

Mr. O'SHAUGHNESSY. It would. In this connection, I will say that there is a gentleman here in the Government service, Mr. Marshall, in the United States Geological Survey, who made the map that you see, the Government map, who has made a special study of this project, and I have been in touch with that gentleman and his views and suggestions, and I can safely pledge the city that whatever line of development these people choose for the expenditure of this money for the roads and trails we will be glad to comply with.

Further on in the hearing, speaking of a possible road on the south side of the reservoir, Mr. O'Shaughnessy stated:

About one-half of that [road] it is proposed to discontinue, as the people who desire to preserve the park requested that we omit a part

of that road, and there is a qualifying clause put in this bill that this road shall be built so far as directed by the Secretary of the Interior. We submit ourselves entirely to his direction and discretion as to the character of these improvements.

And this Mr. O'Shaughnessy, who then said, "We submit ourselves entirely to his direction and discretion," now contests against the directions of the Secretary of the Interior and the very reasonable exercise of discretion on which it is based.

City Attorney Long in his brief said that San Francisco proposed in return for the grant—

to build at its own expense a magnificent system of roads and trails which will make one of the most beautiful scenic parts of the Sierra, now reached only by tedious journeys afoot, or on mule back, generally accessible to the public.

Franklin K. Lane, former city attorney of San Francisco, and then Secretary of the Interior, emphasized to the Committee on Public Lands that the city of San Francisco was undertaking—

to construct and maintain roads, trails, and bridges, which will practically result in a great enlargement of the park areas of the high Sierra by making them more safely and easily accessible.

I have at hand the report in 1912 on the Hetch Hetchy proposal by John R. Freeman, employed by the city of San Francisco for that purpose—

the result of two years personal study on the part of Mr. Freeman, working with a staff of skilled engineers, as the mayor states in the letter of transmittal.

This was the foundation on which San Francisco built its case before the departments and before Congress. Illustrations, full page, therein on pages 6, 10, 12, 13, 16, 17, 18, 19, and others feature the proposed scenic roads. In connection with views from Norway the engineer states:

It was while touring on certain of these Norwegian roads that the engineer developed his plan for a scenic road in the Hetch Hetchy.

The report details proposed roads—

a first-class, well-surfaced wagon road—the quality of roadbed equal to that of the State highways. The city proposes to build and maintain a scenic road along both shores of the proposed Hetch Hetchy Lake. This road * * * equal in permanence and surface to the State highways.

Under the Freeman report the proposition of San Francisco was a paved scenic highway all the way around the reservoir, and there are the pictures.

I read from the legend underneath the picture, on page 6:

Showing also the proposed scenic road around the lake.

Anyone who desires to consult the other full-page, halftone engravings is at liberty to do so.

That was the proposition of San Francisco—a scenic road all the way around that great reservoir. Congress decided not to have that road, but said there should be a road or trail on the north side, and the Secretary of the Interior has called on the city of San Francisco to construct that at a cost of $43,500, so that really what could not be built probably for about a million dollars they are getting out of for $43,500.

But to say that Congress did not have in mind automobile roads or such a program as the Secretary of the Interior now calls for is ridiculous and has placed San Francisco in the position of ungracious quibbling about performance of its own promises, after being saved $20,000,000 by the Hetch Hetchy grant.

It is important not only that San Francisco build the roads, but that the San Francisco attitude toward the Hetch Hetchy use of Yosemite National Park be changed, an attitude which no doubt is not fairly representative of the thought of the best people of that great city, but is at least officially so representative.

Let us look at the record as to the promises made.

The report of the committee, which always has great weight with the House, summarized the provisions of the bill, and stated—

these roads will cost the city of San Francisco $500,000 to $1,000,000—

and would be built subject to the approval and direction of the Secretary of the Interior. The report further urged—

the city proposes to expend more than a million dollars in making the sublime scenery of the Hetch Hetchy and Yosemite accessible to people of small means and limited leisure.

Chairman Ferris, of the Public Lands Committee, told the House San Francisco agreed to construct improvements "which aggregate approximately $1,000,000."

The analysis of the bill distributed by the promoters of the legislation, and inserted twice in the RECORD by Judge Raker—RECORD, page 3911—and by Representative Thomson had this comment on section 9 (p) as to roadbuilding:

The routing of these roads and trails was made by Mr. Marshall, of the Geological Survey, who surveyed the Hetch Hetchy Valley and is familiar with all the scenic and topographical conditions there. These roads will cost the city of San Francisco $500,000 to $1,000,000, and are to be turned over, free of charge, to the United States. This is one of the important considerations, and carries compensation to the Government for the rights of way granted. The construction of these roads will make the Hetch Hetchy Valley accessible and will provide a convenient and easy way for mountaineers to reach the higher parts of the Sierra. The paragraph also contains a requirement that the grantee shall provide a water supply for camp purposes at the Meadow camping place, a third of a mile from Hetch Hetchy. It is also provided that all trail and road building shall be done subject to the approval and direction of the Secretary of the Interior or the Secretary of Agriculture, according to their respective jurisdictions.

Judge Raker promised "boulevards around this lake, so that the people may see the wonders of the Hetch Hetchy Valley, and also the remainder of this territory that is in the watershed of this valley," and that San Francisco would build and maintain roads as specified that would cost "in the neighborhood of $1,000,000," and spoke of the "beautiful road to the Hetch Hetchy Valley." (See Exhibit D.)

Congressman Julius Kahn emphasized that the grant would save San Francisco $20,000,000; that the United States should be willing to do this because of the burdens left on the city by the great fire. He stated the burdens placed on the city in the bill were heavier than he thought they ought to be, but "we do accept it with all its burdens," and that San Francisco would live up to the spirit and letter of the bill.

Congressman FRENCH, of Idaho, a member of the committee that reported the bill, expressed the understanding of Congress, when he said that under the terms of the bill there would be constructed—

roads and trails at a cost of many hundreds of thousands of dollars.

In the Senate the full report of the House committee was printed in the RECORD, and these promises so much emphasized there had great weight in getting the bill through.

Senator KEY PITTMAN, of Nevada, who was a leader in behalf of the bill, said the bill provided that San Francisco should—

build such roads and boulevards as will allow the people of all this country to get into the valley with wagons or automobiles, by foot or on horseback; to go up the boulevards to the top of the peaks, which are 8,500 feet high, drive around the border of that lake, and see all the beauties of that great national park.

These statements, made in behalf of San Francisco and construing the terms of the act when the grant was sought and accepted, can not be repudiated and ignored by any community that has a proper regard for its reputation. They are conclusive and demonstrate that the Secretary of the Interior is only performing his absolute duty when his demand is made. The fact that the Federal Government has so long delayed in calling upon the city for performance does not justify repudiation, but, rather, should serve to expedite compliance by reason of the great consideration that has been shown.

December 14, 1927, the Solicitor for the Interior Department filed an opinion in which he advised the Secretary of the Interior:

I therefore conclude and advise you that the city and county of San Francisco is obligated to construct and maintain, in the manner prescribed by the Raker Act and subject to your direction and approval, such roads and trails over the routes specified in the act as will render those portions of Yosemite National Park adjacent thereto easily accessible to the public under such conditions of travel as existed or could reasonably have been foreseen in 1913. In requiring construction of roads of that character you will be exercising the discretion vested in you by the Congress and the city in the manner intended by those bodies when the Raker Act was passed and the grant accepted.

In response to the request of the Secretary of the Interior under date of December 19, 1927, for his opinion on this and other questions arising under the Raker Act, the Attorney General has within the past few days given an opinion to the same effect. (See Exhibit E.) The position of the Secretary of the Interior is thus fully sustained by the law officers of the Government and insistence by him on compliance with its roadbuilding obligations by San Francisco will no doubt soon bring results.

SANITATION AND ADMINISTRATION

The distressing thing, however, is that San Francisco not only seeks to escape from performance of its promised road

and trail development of this great area but has shown frequently a disposition to interfere with development of the area by the Federal Government and its use by the general public. Engineer O'Shaughnessy seems to have the feeling that San Francisco's use of the park is primary and the public use of the Tuolumne watershed is secondary. That was demonstrated last spring, when notices were posted in the park prohibiting fishing in any waters above the intakes at Hetch Hetchy Reservoir, Lake Eleanor Reservoir, and Early Intake. Press notices were given out that—

all camping and fishing in the watersheds of the upper Tuolumne region will be discontinued this summer.

Here is one notice. It was taken down by a park ranger and at my request sent here. The posted notice was as follows:

Notice: No fishing is allowed above the intakes of our water supply at Early Intake, Lake Eleanor, Hetch Hetchy Reservoir.

M. M. O'SHAUGHNESSY, *City Engineer.*

A number of these notices were posted in this Tuolumne watershed, which is drained by the Hetch Hetchy Reservoir. It drains from this northern boundary of the park down to the divide. This Tuolumne area is the watershed that supplies the Hetch Hetchy. It covers from one-half to two-thirds of the total area of Yosemite National Park, and this is the area in which it was claimed that the granting of this reservoir to San Francisco would not interfere with the use of the national park by the public. It is in that area that the city engineer of San Francisco posted his notice forbidding any fishing in those waters. And he went further in his assumption of jurisdiction over the national park. He went further. First, notices were given out that all camping and fishing in the upper Tuolumne region would be forbidden this summer. All camping and fishing in this great Tuolumne region were forbidden on the word of the city engineer of San Francisco. I have read the posted notice.

I have here also a copy of a letter from O'Shaughnessy to the superintendent of parks. I read:

DEPARTMENT OF PUBLIC WORKS,
BUREAU OF ENGINEERING,
City and County of San Francisco, April 18, 1927.

Mr. W. B. LEWIS,
Superintendent Yosemite National Park, Calif.

MY DEAR MR. LEWIS: You have no doubt been advised in the conference with Secretary Mather, of the National Park Department, last year, that it was resolved that no fishing be permitted either on Cherry or Lake Eleanor.

We are going to observe the rule strictly.

Very truly yours,

M. M. O'SHAUGHNESSY,
City Engineer.

No consent had been given by the Park Service to any such "resolve" of San Francisco.

The effort made to interfere with legitimate public use of this area and the effect of such publicity on the public are further illustrated in the following:

WAR DEPARTMENT,
SAN FRANCISCO GENERAL INTERMEDIATE DEPOT,
QUARTERMASTER SECTION,
Fort Mason, San Francisco, Calif., May 17, 1927.

Mr. LEO K. WILSON,
Editor Fish and Game, the Chronicle, San Francisco, Calif.

DEAR SIR: Reference inclosed clipping from a local daily of yesterday's issue, will you please advise if the locality referred to embraces the Tuolumne Meadows in Yosemite Park?

I spent a week last summer at Soda Springs in Tuolumne Meadows and had intended returning there this year, but am in doubt as to whether this so-called "treaty" covers that portion of the park.

I presume this prohibition is effective only in the Grand Canyon of the Tuolumne, but would be pleased if you would verify same and advise through your valuable and interesting column.

Very truly yours,

T. M. STACK.

[Inclosure]

TUOLUMNE CAMPING DISCONTINUED BY PACT

All camping and fishing in the watersheds of the upper Tuolumne River will be discontinued this summer.

This is a result of a treaty between the city of San Francisco and the Department of the Interior, National Park Service, in which the city asked that all recreational sports in that district be stopped in order that the city's water supply may be kept pure.

The city asked that "all recreational sports" in half or two-thirds of the Yosemite National Park should be stopped in order that the city water supply may be kept pure. They not only ask it, but without warrant they carry to the newspapers of California the statement that it was in pursuance of a pact.

Mr. REED of New York. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. REED of New York. I am very much interested in the gentleman's statement. What are you going to do about it? That is what I am interested in.

Mr. CRAMTON. Well, as to the three proposiitons, I make a suggestion as to each one. As to the first one, the building of roads, the Secretary of the Interior has made his demands, and San Francisco must now do, tardily and ungraciously, that which they should have done gladly and willingly some time ago.

As to sanitation, San Francisco should take its hands off the administration of Yosemite National Park.

These posted and published notices were an unwarranted attempt to eliminate public use of one-half of the entire Yosemite National Park. The very answer of the city attorney of San Francisco, John J. O'Toole, to the Secretary of the Interior, under date of October 13, 1927, which appears in the appendix of my remarks, sets up the claim of jurisdiction over a portion of the park area to inforce sanitary regulations when it is urged that certain lands can not be conveyed to the United States because "it is our contention that these lands are required for use by the city sanitary control of the reservoir."

The amazing thing about these interferences in park administration by officials of San Francisco in the name of sanitation enforcement is that the city of San Francisco has no right to any sanitary restrictions whatever in the Yosemite Park until its reservoirs are used for water supply, and they are not now and have not been as yet so used. And even when the reservoirs are used for water supply there is not a word in the act to justify any interference with fishing or camping in the park. The only sanitary restrictions on use of the Yosemite Park area imposed by the Raker Act are in section 9 (a), reading as follows:

(a) That upon the completion of the Hetch Hetchy Dam or the Lake Eleanor Dam, in the Yosemite National Park, by the grantee, as herein specified, and upon the commencement of the use of any reservoirs thereby created by said grantee as a source of water supply for said grantee, the following sanitary regulations shall be made effective within the watershed above and around said reservoir sites so used by said grantee:

First. No human excrement, garbage, or other refuse shall be placed in the waters of any reservoir or stream or within 300 feet thereof.

Second. All sewage from permanent camps and hotels within the watershed shall be filtered by natural percolation through porous earth or otherwise adequately purified or destroyed.

Third. No person shall bathe, wash clothes or cooking utensils, or water stock in, or in any way pollute, the waters within the limits of the Hetch Hetchy Reservoir or any reservoir constructed by the said grantee under the provisions of this grant, or in the streams leading thereto, within 1 mile of said reservoir; or, with reference to the Hetch Hetchy Reservoir, in the waters from the reservoir or waters entering the river between it and the "Early Intake" of the aqueduct, pending the completion of the aqueduct between "Early intake" and the Hetch Hetchy Dam site.

Fourth. The cost of the inspection necessary to secure compliance with the sanitary regulations made a part of these conditions, which inspection shall be under the direction of the Secretary of the Interior, shall be defrayed by the said grantee.

Fifth. If at any time the sanitary regulations provided for herein shall be deemed by said grantee insufficient to protect the purity of the water supply, then the said grantee shall install a filtration plant or provide other means to guard the purity of the water. No other sanitary rules or restrictions shall be demanded by or granted to the said grantee as to the use of the watershed by campers, tourists, or the occupants of hotels and cottages.

That is to say, (1) the restrictions named are not effective so far as the Raker Act is concerned until the reservoir is used "as a source of water supply"; (2) the only restrictions are elementary ones enforced in any event by park regulations and do not interfere necessarily with camping and fishing; and (3) if San Francisco wants at any time further protection of its water supply in this reservoir it shall itself—

install a filtration plant or provide other means to guard the purity of the water. No other sanitary rules or restrictions shall be demanded by or granted to the said grantees as to the use of the watershed by campers, tourists, or the occupants of hotels and cottages.

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

Mr. CRAMTON. Yes.

Mr. BARBOUR. Right there the gentleman is talking about something that I am very much interested in. I would like to ask the gentleman if there was any authority given to San Francisco for posting notices on the upper Tuolumne?

Mr. CRAMTON. There was not.

Mr. BARBOUR. I have received communications from my district about those notices. I wanted to know, at that time, what the authority was.

Mr. CRAMTON. There was no authority whatever. Not a word. Let me repeat that the act carried certain sanitary regulations but it provides that those regulations are only to be effective when the reservoir is used as a source of water supply, and it is not yet so used, and even when it is so used there is no authority for any restriction of camping or fishing in the park. I have already read those provisions. The only sanitary provisions in the act do not interfere with camping and fishing if people conduct themselves as the park authorities would require them to do anyway.

As to the statutory provisions on sanitation, get this: You must remember, in order to appreciate this, what the situation was. There was a nation-wide protest throughout the country against despoiling the park and interfering with the camping and fishing. I was one of those who had a sensitive ear to that kind of a demand. Before we voted we wanted to be reassured. We were reassured, and we voted for the bill, in part, because section 9a read, in part:

> Fifth. If at any time the sanitary regulations provided for herein shall be deemed by said grantee insufficient to protect the purity of the water supply, then the said grantee shall install a filtration plant or provide other means to guard the purity of the water. No other sanitary rules or restrictions shall be demanded by or granted to the said grantee as to the use of the watershed by campers, tourists, or the occupants of hotels and cottages.

It is amazing that the act contains these express provisions that specifically provide against any such notice as that posted by the engineer.

Mr. REED of New York. A great mass of the public did not know but what it was official. What will the Gvernment do to let people know and go into the park?

Mr. CRAMTON. The gentleman from California [Mr. BARBOUR] has said that the people in his district were kept out of the park by those notices. I made a statement in Yosemite last October that I understand the newspapers of Fresno, where Mr. BARBOUR lives, and of Stockton and Los Angeles were kind enough to print. San Francisco papers, however, would not give the people of that city this reliable information that the people want to know about. The public should be reassured that camping and fishing rights are not restricted by those notices, and the Park Service has made every effort to reassure them.

Mr. WELCH of California. I know the gentleman stated he did not want to be interrupted, but inasmuch as he has yielded to others may I ask him to yield to me?

Mr. CRAMTON. I yield to the gentleman from California.

Mr. WELCH of California. May I ask, in all fairness, whether the gentleman is attempting to create the impression here to-day that San Francisco is opposing fishing within the entire Yosemite Valley Park?

Mr. CRAMTON. Oh, no.

Mr. WELCH of California. Or within the restricted area?

Mr. CRAMTON. Within the Tuolumne watershed.

Mr. WELCH of California. A very restricted and small area.

Mr. CRAMTON. A very large area, at least half of the area of the park.

Mr. WELCH of California. No; it is not one-half or one-third of the area of the park.

Mr. CRAMTON. When you speak of the Tuolumne watershed you speak of this area [indicating on map], and when you look at the map you can see how much territory is included. But if it was only one square inch the city attorney of San Francisco exceeded his authority grossly when he posted that notice and sent out press notices, because he has no jurisdiction or authority over one square inch of the park area. However, the area represented was many hundreds of square miles.

Before the grant San Francisco sought to quiet any alarms as to exclusion of fishermen or campers from the park. The Freeman report (p. 33) says:

> Any statement that the use of the Hetch Hetchy for domestic water-supply storage would probably cause the exclusion of tourists and campers from the watershed tributary thereto is utterly without foundation, and those who suggest it set up a fanciful standard of their own for San Francisco, far more rigorous than is found needful by sanitary science or called for by experience in the study of water-borne disease, and far more rigorous than is in force for the drinking-water supplies of Boston, New York, Los Angeles, Seattle, Portland, Oreg., or Portland, Me., Glasgow, Manchester, Birmingham, or so far as is now known, any city in the world either with or without filtration works. The public wagon road to Half Moon Bay crosses the Crystal Springs Reservoir of the present San Francisco supply on the division dam.

And the official analysis of the bill said of section 9a:

> These sanitary regulations were prepared by experts of the United States Government and Mr. Allen Hazen and Professor Whipple, and are approved by the Board of Army Engineers, the Secretary of the Interior, the Director of the Geological Survey, and others. It is intended that the use of the watershed shall be free to campers and visitors, and that no onerous or prohibitive sanitary regulations shall ever be imposed. The sanitary experts assert that the storage of water in the Hetch Hetchy Reservoir will insure adequate purity, and the Government officials assert that the regulations herein are only those required by common decency and for the protection of campers themselves; and further, these regulations are practically identical with the rules now in force in the Yosemite National Park.

In the preliminary study leading up to this the Geological Survey pointed out the importance of settling this matter "at the outset," since otherwise—

> Camping will be suppressed and the national park will become merely the preserve of the city in everything except legal title.

And the question was settled at the outset in the Raker Act, and San Francisco has no control over this area, and only the most ordinary sanitary decencies are required, with no restriction on camping and fishing in this great region. The city of San Francisco has sought to treat this region as a "mere preserve of the city," but without any legal authority whatever, and it is to be hoped that such officious but unauthorized interference will not continue.

I will say to the gentleman from New York [Mr. REED] I am hoping that such a statement as I am making will challenge the attention of Congress to this situation and will help to end the things I am complaining of.

Mr. REED of New York. I have no doubt it will accomplish great good, but it seems to me the Government ought to take some action by posting notices in convenient places, so that the public coming to the park can see they have the right to go in there. I am wondering whether there has been any attempt on the part of the officials of San Francisco to punish in any way people who did go in there and camp.

Mr. CRAMTON. They have not gone as far as to send anybody to jail, because I think even Mr. O'Shaughnessy recognizes his limitations to that extent.

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

Mr. CRAMTON. Yes.

Mr. W. T. FITZGERALD. What provision has the Government made for the purification of the water in the park itself? Of course, the danger to San Francisco can easily be eliminated.

Mr. CRAMTON. I will say to the gentleman that I did not want to take the time to discuss that matter, but, as the gentleman is an eminent physician, he will be interested in the statement of the restrictions which the act itself makes, which I have above inserted. Of course, the Park Service has its regulations for the protection of the public in the use of water in the park, and it enforces those regulations, but I have not them all at hand.

At the same time the city of San Francisco administers its works in the Hetch Hetchy area with gross disregard of proper sanitation. They flooded Lake Eleanor Reservoir without removal of cow stables, privies, barns, manure piles, and so forth. The garbage from the present camp is thrown throughout the season into the spillway at Lake Eleanor, to remain there undisturbed and offensive until the spring freshets carry it down the stream. The sewage from the dry toilets and otherwise in the Hetch Hetcky camp to-day is drained direct into Hetch Hetchy Reservoir. Supreme disregard is given by the reservoir authorities for the rights of campers who would drink these waters. Proper penalties should be imposed on any such violations of park sanitation regulations hereafter.

UNLAWFUL EXPLOITATION OF POWER

The third matter I desire to bring to your attention is the exploitation of the power development for private profit in violation of the whole intent of the act, its express provisions, and all assurances given Congress at the time the act was passed.

In the travel of this water from the Hetch Hetchy Reservoir to the city of San Francisco tremendous power possibilities are involved. The whole project was being urged not as a power proposition but as a water-supply question. It was being urged as a grant desired to meet the public necessity, not to make possible private profit. Necessary development of the water power was recognized as a proper incident and an important economy for the water-supply project, but every assurance

was given by the advocates of the legislation and every precaution possible was taken by Congress to insure that such power development and such important economies should inure solely to the public benefit and not to enrich the coffers of any private company. The act says, section 6:

That the grantee is prohibited from ever selling or letting to any corporation or individual, except a municipality or a municipal water district or irrigation district, the right to sell or sublet the water or the electric energy sold or given to it or him by the said grantee: *Provided*, That the rights hereby granted shall not be sold, assigned, or transferred to any private person, corporation, or association, and in case of any attempt to so sell, assign, transfer, or convey, this grant shall revert to the Government of the United States.

That sections states as plainly as can be stated, first, that San Francisco is prohibited from ever selling either the water or the electric power to any private concern for resale, and, two, that upon any sale in violation of that provision the entire Hetch Hetchy grant reverts to the Government of the United States. There has been such sale to a private corporation, the Pacific Gas & Electric Co., and the Hetch Hetchy grant has been thereby voided. On demand of the Secretary of the Interior a suit must be brought by the Attorney General to carry out the provisions of the Hetch Hetchy act. If such suit should be brought, as it ought to be brought if the city of San Francisco continues its defiance of the terms of the act, there is no question in my mind but what the courts would find that the Hetch Hetchy grant had reverted to the United States. The city of San Francisco has for several years had a contract with the Pacific Gas & Electric Co. by which that private company buys the entire output of the Hetch Hetchy power and resells same to the industries and people of San Francisco, and so forth. That contract brings the city of San Francisco a net revenue of about $2,000,000 a year, as will be noted by the following item, which appeared in the San Francisco Examiner December 11, 1927:

HETCHY POWER NETS $190,224

San Francisco's revenue from Hetch Hetchy power since August, 1925, amounted to $5,258,509.18 yesterday with the receipt by the board of public works of a check for $190,224.20 from the Pacific Gas & Electric Co.

The latter sum represents the earnings of the power system for the month of November.

The finance and public utility committees of the board of supervisors are about to start an inquiry into the possibility of obtaining an increase in the rate paid by the company.

While San Francisco realizes $2,000,000 a year from this sale of Hetch Hetchy power they have sold their rich birthright for a mess of pottage. Their own industries and their own people must buy back this same power at figures which yield the Pacific Gas & Electric Co. handsome profits. The capitalization of this profitable contract of the Pacific Gas & Electric Co. with the city of San Francisco is illustrated in the following advertisement which appeared in newspapers in Minneapolis, Minn., in connection with offer of stock in same company:

WHERE DRINKING WATER SUPPLIES POWER

When San Francisco sought a new supply of drinking water from the Tuolumne River in Yosemite National Park, 150 miles away, engineers reversed the usual procedure.

Instead of spending huge sums to furnish pumping power, they trapped the water as it plunged down the mountain, ran it through a powerhouse, and used the electricity it generated to light homes and furnish power for industries.

The pure mountain water, dammed up in the Hetch Hetchy Reservoir, is released as needed into an 18-mile tunnel. It roars then through great pipes that stretch down the slope like a toboggan slide and does its work in the turbo-generators before it continues, impelled by the force of gravity, in a 137-mile aqueduct to the faucets of the Pacific coast metropolis.

Thus the power and light industry is turning to a double use one of nature's greatest resources.

It is another step in the progress of electricity. And its significance is in its economy. It is simply further evidence of stability and security that is daily attracting conservative investors to the securities of well-managed power and light companies.

We offer Pacific Gas & Electric Co. 1st and ref. mtf. 5 per cent. Due 1955, at 99¾; yield over 5 per cent.

NORTHLAND SECURITIES CORPORATION,
Ground Floor Security Building, Minneapolis, Minn.

This adroit advertisement, that would leave the intending investor in Minneapolis somewhat confused as to the relationship between San Francisco and the Pacific Gas & Electric Co., closes with the statement that the San Francisco water-supply program is—

further evidence of stability and security that is daily attracting conservative investors to the securities of well-managed power and light companies.

This unlawful contract with the private power company is as much a violation of the intent and spirit of the charter of San Francisco as it is of the Raker Act, and the people of San Francisco with this wealth of pure water and electric energy under their control have seen their city officials make a political football of the whole Hetch Hetchy problem, delay many years in availing of the water supply, and ignore any effective steps for public utilization of the water power in accordance with Federal law and city charter.

There is no real difference of opinion as to the meaning or effect of section 6 of the Raker Act, which I have quoted. Col. Allen G. Wright, as counsel for the San Francisco Chamber of Commerce, rendered an opinion on the legality of the Hetch Hetchy power disposal under date of December 18, 1923, in which he said:

It is my opinion * * * under the terms of that act of Congress known as the Raker Act, San Francisco has no authority to sell or lease its Hetch Hetchy electric energy to any person or private corporation for resale, or, in other words, to wholesale it.

September 9, 1923, Mayor Rolph and other prominent officials or citizens of San Francisco, on the eve of an election, expressed themselves as follows on this question:

I do not believe the wholesaling of power to a corporation would be legal as I read the Raker Act. * * * As long as I am in office no such transfer of the peoples' rights, property, and profits will take place with my consent. I would as soon consider wholesaling Hetch Hetchy water to the Spring Valley Co. for resale to the citizens at Spring Valley's rates as to follow a similar course in disposing of Hetch Hetchy electrical power. (Mayor Rolph, September 9, 1923.)

If the city should transfer to the Pacific Gas & Electric Co., or any other company, corporation, or individual, its power developed at Hetch Hetchy, not only would we lose the right to the power, but our water rights as well would be forfeited. (Matt I. Sullivan, former chief justice Supreme Court of California, September 9, 1923.)

The report of the citizens advisory committee to the supervisors, October 22, 1923, advised that the disposal of Hetch Hetchy to a private corporation for purposes of resale is forbidden by law and that under the Raker Act the city is mandated to distribute the power to its own people.

The SPEAKER pro tempore (Mr. ELLIOTT). The time of the gentleman from Michigan has expired.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to proceed for 15 additional minutes, with the expectation of getting through in that time or less.

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

There was no objection.

Mr. CRAMTON. I quote from Hon. James D. Phelan, former mayor of San Francisco and former United States Senator:

Under no circumstances should we abdicate our sovereign right and farm out our taxes and our rates.

He said that on September 9, 1923; and in a speech before the Commonwealth Club of California a few weeks later he said, referring to the Raker Act:

An agency is clearly against the letter and spirit of the Federal act. The Raker Act is stringent in its provisions. It provides that, in accepting that grant, which we have accepted, we can not give or lease to any other person or individual or corporation for resale the commodity which we will enjoy. I remember very well that Congress had no doubt in the matter. The intent was to give us this in such form—and Congress had the right, remember, to make its own conditions, notwithstanding what may be the provisions of the charter of San Francisco—that no supergovernment, that no invisible government, that no trust or other power could ever take it away from us by our own consent, complaisance, or, indeed, corruption, without the consent of Congress. The existing corporations have offered $2,000,000 annually for the electric power released at our Moccasin Creek plant. We are told 214,060,000 kilowatts are available January 1, 1925, but under their schedules they would collect $8,800,000 for it. The proposition is illegal as well as unconscionable; we can not entertain it.

But the city administration, pledged not to entertain it, did entertain it, and the contract is now in effect. I quote from Hon. RICHARD J. WELCH, now a Member of Congress, but then, on September 9, 1923, when this statement was made, a member of the board of supervisors of San Francisco County:

That the city must and should distribute its own power directly to the citizens is absolutely clear. San Francisco has asserted herself in favor of municipal ownership, and I do not believe that our charter will permit us to sell power to a corporation even temporarily. It will be practically impossible to complete any steps toward buying or building ourselves a distributing system by the time that the Hetch Hetchy power is available for use, but the dangers of disposing of the power at wholesale are just as serious.

Mr. WELCH of California. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. WELCH of California. I want to say that is absolutely correct, and I stand for the same principle and the same policy to-day.

Mr. CRAMTON. I am very glad to know that.

Mr. WELCH of California. And those who betrayed San Francisco's trust and were responsible for selling the power to the Pacific Gas & Electric Co., which is a part of the Hydroelectric Power Trust of the United States, were driven from office, and I took the platform and helped to drive them from public office. [Applause.] Since that time, three years ago, San Francisco has had the Pacific Gas & Electric Co. and the Great Western Power Co. before the Railroad Commission of the State of California, condemning their properties for the purpose of carrying out the provisions of the Raker Act.

Mr. CRAMTON. I am glad to know the gentleman's position, but whoever went into office or whoever was driven out of office there has been no proposition submitted to the people of San Francisco to raise the money or provide the wherewithal for either acquiring or building a distributing system, and day after day the illegal contract continues. The Secretary of the Interior sought an opinion July 20, 1925, from the Attorney General with reference to the effect of section 6 upon the Pacific Gas & Electric Co. contract. The Attorney General with great agility "passed the buck" back to the Secretary of the Interior in an opinion of August 5, 1925, a copy of which I attach as an appendix to my remarks. (See Exhibit F.)

A study of the debates of Congress leaves no doubt that the Pacific Gas & Electric Co. contract is a gross violation of the assurances that were given Congress and the purpose that Congress had in approving the Hetch Hetchy grant.

The late Representative William Kent was then a Member of the California delegation and his support of this measure had much to do with its passage.

The gentleman from Wisconsin [Mr. COOPER], the gentleman from Idaho [Mr. FRENCH], and all the older Members will remember Mr. Kent as an outstanding progressive in this House, and there is no doubt that his support of this measure helped greatly in securing its passage.

He said (vol. 50, p. 3991, CONGRESSIONAL RECORD, 1913):

Mr. Chairman, I should like to suggest to the gentleman from Indiana, Mr. Gray, that this bill is strictly drawn in the public interest; that there is no possibility of selfish gain; and that no corporation or individual can obtain any benefit whatsoever from this bill. It is for the benefit of the people of California.

And, later, I had written here that he would not have promoted its passage if he thought otherwise, and then I found this speech which he made in that same symposium before the Commonwealth Club of California in 1923, where he said this:

Section 6 of the Raker Act was not put in by accident. It was a deliberate attempt to draft a contract whereby any future short-sighted or sordid government of San Francisco could not divest the people of the bay region from the beneficence of the congressional grant.

At first it seemed that the good faith of the city in carrying out its end of the contract should be taken for granted, but later on a lawyer on the committee, named Taylor, of Arkansas, objected to the lack of a penalty clause in section 6, and so on the floor of the House introduced the reversion clause which you will find in the act as passed, though not in the quoted draft published and circulated by those who are apparently acting for private interests against the people of San Francisco and the bay cities.

It may be that the language is clumsy, but the meaning is clear, as is the intent, and there is no possible excuse for this cheap pettifogging and subterfuge as to its meaning. It means definitely what we contend for it, that the use of Hetch Hetchy Valley and the privileges granted across the public domain shall revert to the Government in the event of private interests being permited to resell property right in water power, which Congress by contract with responsible city officials directed should be applied to the welfare of the citizens. You will find in the hearings a statement of the meaning of section 6 by City Attorney Long that it meant simply and only direct municipal ownership.

He said further:

I have been almost maddened with the thought of what we went through during that hot summer in fighting for the public of this town, now to think that there comes a time when there seems to be a proposition to throw it down and sell it out.

Then he goes on to refer to the support of Gifford Pinchot and himself, and says:

Reverting to the history of the passage of the bill, you can recall the tremendous fight made by the power companies with the hoodwinked help of the nature lovers. The combination was very strong. If it had not been for Gifford Pinchot, the leading apostle of conservation and one of the most efficient of those who respect and revere nature—if it had not been for my standing as a conservationist, the bill never could have passed, for we secured by our indorsement many votes that were stampeded by the reckless representations made of park destruction.

Mr. TAYLOR of Colorado. Will the gentleman yield? Who was that?

Mr. CRAMTON. Hon. William Kent, former Member of this House, and who has so recently died. Then he speaks of the signing of the bill by the President:

After the bill had passed those of you familiar with the transaction remember the message of President Wilson, who in signing the bill said that he relied upon the judgment of men in whom he had confidence as against the general argument for the parks. When I went to the White House to ask the President to sign the bill I met Mr. Robert Underwood Johnson coming away.

In the prepared analysis of the bill to which I have referred, which was inserted in the RECORD by Judge Raker, it is said:

That section 6, acquiesced in by the grantee, was designed to prevent any monopoly or corporation from hereafter obtaining control of the water supply of San Francisco.

And the provision in question referred to electric energy as being on the same basis with water.

Mr. Thomson, of Illinois, in his speech in behalf of the bill urged that—

Under the provisions of section 6 the grantee can not assign its right acquired under this bill to any private corporation and can not sell water or electric energy to any private corporation or individual for the purposes of resale.

In the course of the debate Mr. Mann asked Mr. Raker:

This bill provides that property rights shall not be sold; but suppose they are sold, what will happen?

Mr. Raker replied:

My conviction is that under the provision of the law they are forfeited.

Further in the course of the debate, page 4093, Mr. Helm, of Kentucky, asked a question of Mr. Ferris, of Oklahoma, chairman of the committee in charge of the bill, question and answer being as follows:

On page 4093 (vol. 50, CONGRESSIONAL RECORD) the following occurred:

Mr. HELM. What they can sell to the citizens of San Francisco they can sell to a corporation organized by a group of San Francisco men, could they not?

Mr. FERRIS. Oh, no; because there is an express provision to the effect that they can not resell the power in any way. They can sell for use only with a positive restriction against sale for any resale purposes of any sort.

The Secretary of the Interior, who has for the past two years been giving highly commendable attention to this subject, should call now upon the Attorney General to bring a suit that would end this diversion of power to private profit.

The present relations between the park administration and our privileged tenant in the park, San Francisco, are intolerable and can not be permitted to continue.

San Francisco came to Congress begging for a water supply and constructed instead two power plants. Hetch Hetchy is not yet used as a water supply. Power is being sold and the proceeds of $2,000,000 alleviate the San Francisco tax rate. The existing contract for sale of power is a direct violation of the terms of the act, and the grant has in reality reverted to the Government of the United States under section 6 of the act. It only remains for a competent court to so declare. If San Francisco can not properly cooperate with its generous landlord, the relationship had better cease, and the Federal Government resume exclusive use of the park area.

I will only close as I began by saying that I have brought this to your attention in the hope, first, that publicity may help to cure the evils that exist, and also as a warning to this House that whenever we are granting away the public domain Congress

owes it to the people to see that the safeguards put around the grant are explicit, mandatory, and adequate to protect the public. [Applause.]

APPENDIX

EXHIBIT A

WASHINGTON, D. C., *August 1, 1913.*

DEAR SIR: The Public Lands Committee of the House, after two months' painstaking investigation, unanimously reports in favor of the use of the Hetch Hetchy Valley in the Yosemite National Park as a reservoir site for San Francisco.

The use of this valley is also approved by the Secretary of the Interior, the Secretary of Agriculture, the Secretary of War, the Chief of the Reclamation Service, the Chief of the Geological Survey, the Chief Forester, and by Gifford Pinchot, former Chief Forester.

The irrigationists, who have prior rights on the Tuolumne River, also desire this bill passed, as they are assured water, which they would not otherwise obtain.

The Hetch Hetchy Valley is an inaccessible canyon, 30 miles from the Yosemite Valley proper. The San Francisco project proposes to make this an accessible mountain lake, with roads and trails leading to the high Sierras.

The only opposition to this project comes from a small number of well-intentioned persons who wish to have the valley remain in the state of nature. You no doubt will receive protests from these people. Members of the California delegation in the House earnestly request you to not prejudge this proposition in favor of the nature advocates, and earnestly request you to read the hearings before the Public Lands Committee and the committee report which will accompany the bill. We feel that with the full facts before you San Francisco's request will be granted. The city needs this water supply and the completed project would be of inestimable benefit to one-fourth of the population of the State of California.

Sincerely yours,

JOHN E. RAKER,
DENVER S. CHURCH,
JULIUS KAHN,
JOHN I. NOLAN,
WILLIAM KENT,
CHAS. W. BELL,
J. R. KNOWLAND,
WILLIAM KETTNER,
WM. D. STEPHENS,
C. F. CURRY,
E. A. HAYES,

Representatives from California.

EXHIBIT B

THE SECRETARY OF THE INTERIOR,
Washington, July 7, 1927.

THE CITY AND COUNTY OF SAN FRANCISCO,
San Francisco, Calif.

GENTLEMEN: The act of December 19, 1913 (38 Stat. 242), under which the city and county of San Francisco was granted valuable rights of way and reservoir sites within the limits of the Yosemite National Park, in California, included, among others, the following obligations of the grantee:

Section 7 of the said act provided in part as follows:

"That for and in consideration of the grant by the United States as provided for in this act the said grantee shall assign, free of cost to the United States, all roads and trails built under the provisions hereof; * * *."

Section 9 of the act stated:

"That this grant is made to the said grantee subject to the observance on the part of the grantee of all the conditions hereinbefore and hereinafter enumerated."

By paragraph (p) of section 9 of said act it was provided:

"That this grant is upon the further condition that the grantee shall construct on the north side of the Hetch Hetchy Reservoir site a scenic road or trail, as the Secretary of the Interior may determine, above and along the proposed lake to such point as may be designated by the said Secretary, and also leading from said scenic road or trail a trail to the Tiltill Valley and to Lake Vernon, and a road or trail to Lake Eleanor and Cherry Valley via McGill Meadow; and likewise the said grantee shall build a wagon road from Hamilton or Smiths Station along the most feasible route adjacent to its proposed aqueduct from Groveland to Portulaca or Hog Ranch and into the Hetch Hetchy Dam site, and a road along the southerly slope of Smiths Peak from Hog Ranch, past Harden Lake, to a junction with the old Tioga Road, in section 4, township 1 south, range 21 east, Mount Diablo base and meridian, and such roads and trails made necessary by this grant, and as may be prescribed by the Secretary of the Interior. Said grantee shall have the right to build and maintain such other necessary roads or trails through the public lands for the construction and operation of its works, subject, however, to the approval of the Secretary of Agriculture, in the Stanislaus National Forest, and the Secretary of the Interior, in the Yosemite National Park. The said grantee shall further lay and maintain a water pipe or otherwise provide a good and sufficient supply of water for camp purposes at the meadow, one-third of a mile, more or less, southeasterly from the Hetch Hetchy Dam site.

"That all trail and road building and maintenance by the said grantee in the Yosemite National Park and the Stanislaus National Forest shall be done subject to the direction and approval of the Secretary of the Interior or the Secretary of Agriculture, according to their respective jurisdictions."

Paragraph (q) of said section 9 provides in part:

"That the said grantee * * * shall reimburse the United States Government for the actual cost of maintenance of the above roads and trails in a condition of repair as good as when constructed."

By paragraph (t) of said section 9 it is provided:

"That the grantee herein shall convey to the United States, by proper conveyance, a good and sufficient title free from all liens and encumbrances of any nature whatever, to any and all tracts of land which are now owned by said grantee within the Yosemite National Park or that part of the national forest adjacent thereto not actually required for use under the provisions of this act, said conveyance to be approved by and filed with the Secretary of the Interior within six months after the said grantee ceases to use such lands for the purpose of construction or repair under the provisions of this act."

Paragraph (u) of section 9 of the act of December 19, 1913, contains the following:

"* * * *Provided, however,* That the grantee shall at all times comply with and observe on its part all the conditions specified in this act, and in the event that the same are not reasonably complied with and carried out by the grantee, upon written request of the Secretary of the Interior, it is made the duty of the Attorney General in the name of the United States to commence all necessary suits or proceedings in the proper court having jurisdiction thereof for the purpose of enforcing and carrying out the provisions of this act."

On September 14, 1925, the Director of the National Park Service appeared before the board of supervisors of the city and county of San Francisco and outlined the requirements of the Government as to roads, and again, at a conference held October 2, 1926, with the city engineer and other officials of the city and county, the director again stated the requirements of the United States as to roads in the national park.

The city and county of San Francisco have not complied with the requirements of the grant hereinbefore set forth, and in accordance with the provisions of the act of December 19, 1913, I hereby make a formal request in writing that the following action be taken at once by the said city and county:

(a) Widen the present road from Hog Ranch to Hetch Hetchy to a full travelable width of 18 feet and surface said road.

(b) Build a road from Hetch Hetchy Reservoir to Lake Eleanor, via McGill Meadow, so as to render the route available for motor travel.

(c) Construct a road of not less than 18 feet in width and with grades of not to exceed 8 per cent from Hog Ranch past Harden Lake to the Tioga Road, said road to be suitable for motor travel.

(d) Construct a wide and serviceable trail along the north side of Hetch Hetchy Reservoir for the full length thereof.

(e) Construct a trail from the trail along the north side of Hetch Hetchy Reservoir to Tiltill Valley and to Lake Vernon.

(f) Before proceeding to construction of the works herein required, the city and county must secure approval, by the Secretary, of the specifications for said works, to be followed by the construction contractor or party, as required by section 9 (p) of the act, and likewise must secure the formal approval and acceptance of the roads and trails constructed.

(g) The grantee shall make arrangements for the reimbursement of the United States for the actual cost of maintenance of the above roads and trails in a condition of repair as good as when constructed, in accordance with the provisions of section 9 (q) of the act of December 19, 1913.

The requirements expressed in this notice are not to be construed as in anywise releasing the city and county of San Francisco from constructing, at such future time as may be prescribed by the Secretary, a road or trail from Lake Eleanor into Cherry Valley, nor is this notice and the matters required therein to be construed as an abandonment of the right to require additional trails or roads, pursuant to the provisions of paragraph (p) of section 9, requiring the grantee to construct "such roads and trails made necessary by this grant, and as may be prescribed by the Secretary of the Interior."

It likewise appears that as to the lands listed below the grantee has for more than six months ceased "to use such lands for the purpose of construction or repair under the provisions of this act" (the Raker Act), and hence that such lands should be conveyed to the United States, as provided by section 9 (t) of said act. The lands which appear to occupy this status are:

(a) The east half of northwest quarter, the southwest quarter of the northwest quarter, and the northwest quarter of the southwest quarter of section 32, township 1 north, range 20 east.

(b) The southeast quarter of section 9; the south half of the northeast quarter, the south half of the northwest quarter, the north half of the southwest quarter, and the northwest quarter of the southeast quarter of section 10; the southwest quarter of the northwest quarter and north half of the south half of section 11; the northwest quarter of the northeast quarter and the northeast quarter of the northwest quarter of section 16, all in township 1 north, range 20 east.

(c) The south half of the northeast quarter, the north half of the southeast quarter, the southeast quarter of the southeast quarter of section 34; the southwest quarter of the northwest quarter, the west half of the southwest quarter, and the southeast quarter of the southeast quarter of section 35; and all of section 36, township 2 north, range 19 east.

(d) The southeast quarter of the northwest quarter, the northwest quarter of the southeast quarter, and the east half of the southwest quarter of section 12, township 1 north, range 19 east.

(e) The southwest quarter of the northwest quarter and the northwest quarter of southwest quarter of section 19, township 2 north, range 21 east; the southeast quarter of the northeast quarter of section 24, township 2 north, range 20 east.

(f) The southwest quarter of the northeast quarter, the south half of the northwest quarter of section 5, the southeast quarter of the northeast quarter of section 6, all in township 1 north, range 21 east.

Under authority of section 9 (t) of the act of December 19, 1913, a formal request is hereby made that "a good and sufficient title, free from all liens and incumbrances of any nature whatever," as to each of the described tracts and any other lands occupying the same status be conveyed to the United States.

The purpose of this letter is to require of the city and county of San Francisco performance by them of all matters required of them by the act of December 19, 1913; and the enumeration herein of certain of those matters is not intended to and must not be regarded as waiving performance of any other required acts or as excepting such other required acts from the operation of this notice.

Very truly yours,

HUBERT WORK, *Secretary.*

EXHIBIT C

CITY ATTORNEY,
San Francisco, October 13, 1927.

Hon. HUBERT WORK,
Secretary of the Interior, Washington, D. C.

DEAR SIR: Under date of July 7, 1927, you issued a formal notice to the city and county of San Francisco the purpose of which, as stated in said notice, was to require of the city and county of San Francisco performance of all the matters required of the said city and county by the act of December 19, 1913, commonly known as the Raker Act.

In the notice quotation is made from several sections of the act relative to the obligations of the city imposed thereby, following which the statement is made that the city and county of San Francisco has not complied with the requirements of the grant as set forth in the act and referred to in the notice, and request in writing is then made of the city and county that the following specific action be taken at once:

"(a) Widen the present road from Hog Ranch to Hetch Hetchy to a full travelable width of 18 feet and surface said road.

"(b) Build a road from Hetch Hetchy Reservoir to Lake Eleanor via McGill Meadows so as to render the route available for motor travel.

"(c) Construct a road of not less than 18 feet in width and with grades of not to exceed 8 per cent from Hog Ranch past Harden Lake to the Tioga Road, said road to be suitable for motor travel.

"(d) Construct a wide and serviceable trail along the north side of Hetch Hetchy Reservoir for the full length thereof.

"(e) Construct a trail from the trail along the north side of Hetch Hetchy Reservoir to Tiltill Valley and to Lake Vernon.

"(f) Before proceeding to construction of the works herein required, the city and county must secure approval by the Secretary of the specifications for said works, to be followed by the construction contractor or party as required by section 9 (p) of the act, and likewise must secure the formal approval and acceptance of the roads and trails constructed.

"(g) The grantee shall make arrangements for the reimbursement of the United States for the actual cost of maintenance of the above roads and trails in a condition of repair as good as when constructed in accordance with the provisions of section 9 (q) of the act of December 19, 1913."

Provision is made in the notice that the expression of the above specific requirements is not to be construed to release the city and county of San Francisco from constructing at such future time as may be prescribed by the Secretary a road or trail from Lake Eleanor into Cherry Valley, nor is it to be construed as an abandonment of the right to require additional trails and roads pursuant to the provisions of paragraph (p) of section 9, requiring the grantee to construct "such roads and trails made necessary by this grant and as may be prescribed by the Secretary of the Interior."

You also direct attention to several parcels of land which it is stated the city has for more than six months ceased to use for the purpose of construction or repair under the provisions of the Raker Act, and request is made that these lands as well as any other lands occupying a similar status be conveyed to the United States free from all liens and encumbrances.

Following the receipt of this notice, Mr. Stephen T. Mather, Director of the National Parks, appeared before the board of supervisors in San Francisco, and, while admitting that he could not commit the Secretary, outlined his views as to what the Department of the Interior considered were the obligations of the city under the Raker Act and indicated the order in which he—and it is presumed the Department of the Interior—desired the city to proceed to carry out its obligations, and indicated the estimate of cost of doing this work to meet the requirements or standards of construction which the department would adhere to for the roads to be built. Following is the list of obligations in the desired order of accomplishment and the estimated costs as set forth by Mr. Mather:

Project No. 1: Transfer city-owned lands to United States (acres)	2,632.94
Project No. 2: Construct trail north side of Hetch Hetchy Reservoir to Tiltill Valley and Lake Vernon, 21 miles (estimated cost)	$43,500
Project No. 3: Construct Harden Lake Road, 12 miles (estimated cost)	480,000
Project No. 4: Construct Lake Eleanor Road, 14 miles (estimated cost)	800,000
Project No. 5: Reconstruction and surfacing Hetch Hetchy Road, 9 miles (estimated cost)	270,000
Surveys	35,000
Total estimated cost	1,628,500

At the meeting at which Mr. Mather appeared, exception was taken to Mr. Mather's interpretation of the terms of the Raker Act with respect to the city's obligation, and a resolution was introduced and adopted referring the entire subject matter to the public utilities committee of the board of supervisors with the thought that an understanding might be reached between the representatives of the city and the representatives of the Yosemite National Park or the Department of the Interior relative to the city's obligations.

Such a meeting was held and was attended by the superintendent of the Yosemite National Park, Mr. Lewis, and one of his assistants. At this meeting Mr. Lewis stated that he had no authority to speak for the Secretary of the Interior in the matter, and so after a brief discussion it was decided to submit to the Interior Department a statement of the city's position in the matter. Briefly, this may be summed up as follows:

The city of San Francisco has not at any time sought and does not now seek to evade any of its just obligations under the provisions of the Raker Act. Until the receipt of this notice of date July 7, 1927, no written or formal request had ever been made by the Secretary of the Interior for the construction of any of the roads outlined or for the transfer of any of the lands listed. Exception is taken to the implied thought contained in the notice, that the city and county of San Francisco has not carried out any of its obligations as imposed by the Raker Act. This is contrary to the facts, as will appear in the discussion relative to the specific requests outlined in the notice. The several specific requests will be taken up in their order and the city's contentions in regard to each set forth:

"(a) Widen the present road from Hog Ranch to Hetch Hetchy to a full travelable width of 18 feet and surface said road."

The city has constructed a road from Hog Ranch to Hetch Hetchy, with roadbed 22 feet in width, on a 4 per cent grade, which was originally used as a railroad grade, from which, through an understanding with your office, the rails were temporarily removed and the surface prepared so that the grade might be used for vehicular travel until such time as it might be again necessary to relay the rails, in accordance with letter from the Secretary of the Interior and resolution of the board of supervisors. More than $200,000 was expended in the construction of this roadbed, which must be credited to work which the city has done in carrying out its obligations as to the construction of this particular road. In Mr. Mather's list this is listed as project No. 5, in the order of desirability, and his estimate of the cost of doing the work which he believes is necessary is $270,000. This road is now in satisfactory use, accommodating approximately 35 automobiles per day during the season. Inasmuch as the road is constructed on excellent line and grade, it would appear that he contemplates that this expenditure, which is equivalent to 31½ cents per square foot, would be made almost solely for paving, corresponding possibly to an 8-inch concrete surface. It is the contention of the city that the proper interpretation of the Raker Act, adopted in 1913, which calls for a wagon road from Hamilton, or Smiths Station, along the most feasible route adjacent to its proposed aqueduct from Groveland to Portulaca, or Hog Ranch, and to the Hetch Hetchy Dam site, does not require the construction of a road along these 9 miles of a higher standard than the main-traveled roads with which is connects and forms a part, as in existence or immediately contemplated at the time of the adoption of the Raker Act.

"(b) Build a road from Hetch Hetchy Reservoir to Lake Eleanor via McGill Meadows, so as to render the route available for motor travel."

Relative to this request, the provision of the Raker Act is that the city construct a road or trail to Lake Eleanor and Cherry Valley via McGill Meadows.

Under date of October 13, 1916, the city submitted to the Department of the Interior a map outlining the proposed road from Hetch Hetchy to Lake Eleanor, showing the alignment thereof, together with survey notes showing the the proposed grades. These plans and the location of the road were approved by the Secretary of the Interior under date

of December 30, 1916. This road was constructed and utilized by the city for handling approximately 6,000 tons of freight to Lake Eleanor by motor trucks. The grades on it are superior to the Big Oak Flat Road, one of the main roads leading into Yosemite Valley and over which one would travel in going from Yosemite Valley to Lake Eleanor. This road has been maintained by the city at its expense since its construction. It is the city's contention that this road has been built with the approval of the Secreary of the Interior as one of the obligations of the Raker Act, and that it was not the intent of the Raker Act to impose upon the city the continual improvement of the standards of roads constructed in conformity with the act at the time of its adoption.

"(c) Construct a road of not less than 18 feet in width, and with grades of not to exceed 8 per cent, from Hog Ranch past Harden Lake to the Tioga Road, said road to be suitable for motor travel."

The provision of the Raker Act as to this particular road is "a road along the southerly slope of Smiths Peak from Hog Ranch past Harden Lake to a junction with the old Tioga Road, in section 4, township 1 south, range 21 east, Mount Diablo base and meridian."

The city has already advanced the sum of $6,000 to the national park authorities to be expended on surveys to be made by the United States Bureau of Good Roads for the location and construction of this road. These surveys are being made along lines of even a higher standard than that which has been set forth in the notice. The city recognizes its full obligation to construct a road between these points along such location as may be approved, but contends that the intent of the Raker Act does not contemplate a road of a higher type of construction, particularly as to grade, width of roadbed, and character of surface than that existent on the two main roads which it connects, namely, the Big Oak Flat Road, the wagon road constructed by the city from Hamilton to Hog Ranch, and the Tioga Road. The city recognizes that the Government now is contemplating the construction of a new main highway into the Yosemite Valley, of which this road would form a link. It is the city's contention that if this is the intent of the Government, the reasonable obligation of the city under the terms of the Raker Act would be to contribute toward the cost of such a road a sum of money equivalent to the cost of constructing a road along the route indicated, of grades, width, and type of surface as existed on connecting roads at the time of the adoption of the Raker Act. I am advised that such a road could be built by the city at a cost not to exceed $250,000, and I would recommend the appropriation by the city of such sum toward the construction of any higher standard road on this location in lieu of this particular obligation.

"(d) Construct a wide and serviceable trail along the north side of Hetch Hetchy Reservoir for the full length thereof."

The city does not question in any way this obligation, and in accordance with your request will proceed to make the necessary surveys and submit them to your office with the necessary specifications for the approval of the Secretary. These surveys will be made as soon as the weather conditions will warrant.

"(e) Construct a trail from the trail along the north side of Hetch Hetchy Reservoir to Tiltill Valley and to Lake Vernon."

No exception is taken to this requirement. Surveys for this will be made at the same time as the surveys contemplated under (d) above mentioned.

"(f) Before proceeding to construction of the works herein required, the city and county must secure approval by the Secretary of the specifications for said works, to be followed by the construction contractor or party as required by section 9 (p) of the act, and likewise must secure the formal approval and acceptance of the roads and trails constructed."

It is the contention of the city that all roads and trails heretofore constructed have been constructed subject to the direction and approval of the Secretary of the Interior or the Secretary of Agriculture, according to their respective jurisdictions, and that the general plans were approved by the Secretary of the Interior, and all instructions or directions issued to the city at the time of the construction of the road were observed in the manner of doing the work and carrying out the same. In the future the city will be glad to comply with your request that formal approval and acceptance be secured.

"(g) The grantee shall make arrangements for the reimbursement of the Unted States for the actual cost of maintenance of the above roads and trails in a condition of repair as good as when constructed, in accordance with the provisions of section 9 (q) of the act of December 19, 1913."

The city of San Francisco has at its own cost and expense maintained all roads and trails built by it under the provisions of the Raker Act, except that during the past season Mr. Mather and the superintendent of the Yosemite National Park requested that they be allowed to maintain the road from Mather to Hetch Hetchy as a part of their road-maintenance work. The city has never at any time failed to meet any obligation as to reimbursement of the Government for the maintenance of any of these roads.

With regard to the request for the conveyance of lands as provided by section 9 (t) of the act the following lands are listed in the notice as being those whch should be conveyed to the United States under the provisions of section 9 (t) of the act.

"(a) The east quarter of northwest quarter, the southwest quarter of the northwest quarter, and the northwest quarter of the southwest quarter of section 32, township 1 north, range 20 east.

"(b) The southeast quarter of section 9; the south half of the northeast quarter, the south half of the northwest quarter, the north half of the southwest quarter, and the northwest quarter of the southeast quarter of section 10; the southwest quarter of the northwest quarter and east half of the south half of section 11; the northwest quarter of the northeast quarter and the northeast quarter of the northwest quarter of section 16; all in township 1 north, range 20 east.

"(c) The south half of the northeast quarter, the north half of the southeast quarter, the southeast quarter of the southeast quarter of section 34; the southwest quarter of the northwest quarter, the west half of the southwest quarter, and the southeast quarter of the southeast quarter of section 35; and all of section 36, township 2 north, range 19 east.

"(d) The southeast quarter of the northwest quarter, the northwest quarter of the southeast quarter, and the east half of the southwest quarter of section 12, township 1 north, range 19 east.

"(e) The southwest quarter of the northwest quarter and the northwest quarter of southwest quarter of section 19, township 2 north, range 21 east; the southeast quarter of the northeast quarter of section 24, township 2 north, range 20 east.

"(f) The southwest quarter of the northeast quarter, the south half of the northwest quarter of section 5; the southeast quarter of the northeast quarter of section 6; all in township 1 north, range 21 east."

The lands described under item (a) are generally referred to as the Canyon ranch tract, comprising 160 acres. Proper conveyance of this land to the United States will be made immediately. The lands covered in item (b) are those commonly referred to as the Hetch Hetchy Reservoir lands, and those in item (c), Lake Eleanor Reservoir lands, involving 720 acres and 920.35 acres, respectively. The provisions of the Raker Act, section 9 (t) relative to the conveyance of lands reads:

"Shall convey to the United States * * * to any and all tracts of land which are now owned by said grantee within the Yosemite National Park * * * not actually required for use under the provisions of the act."

It is the contention of the city that these lands which were acquired by the city for reservoir purposes are actually in use or are required for use under the provisions of this act. A large portion of these lands are at the present time submerged, and a further part lies between the present flow line of the reservoir and the flow line of the ultimate development of the same, and a comparatively small remaining portion lies along the margin of the reservoir, and it is our contention that these lands are required for use by the city for sanitary control of the reservoir. In view of this, it is the contention of the city that these Hetch Hetchy Reservoir lands and the Lake Eleanor Reservoir lands are not to be considered as lands which the city is required to convey to the Government under the terms of the act.

Item (d) covers what is known as the McGill Meadow tract, involving 160 acres. Item (e) covers the Lake Vernon land, involving 121.49 acres. These two tracts were acquired by the city in a single transaction by deed dated January 8, 1918, four years after the adoption of the Raker Act, and as they were not in our possession at the time of the passage of the Raker Act, it is our contention that we are in no way required to convey them to the United States. Both of these tracts are, moreover, required for future use by the city in connection with the project.

Item (f), Tiltill Valley lands, 160 acres. The west 40 acres of this land are required for use by the city in connection with its future operations. The remaining 120 acres will be conveyed to the United States Government under the provisions of the act immediately.

In conclusion, I wish to assure you that it is the intention and desire of the city to cooperate in every reasonable way with the Secretary of the Interior and the national park authorities in the carrying out of what may be determined as the just terms of the Raker Act. I would impress upon you, however, that the Hetch Hetchy project is far from complete. The original $45,000,000 voted for its construction prior to the passage of the Raker Act have been expended, $10,000,000 more have been voted, and $24,000,000 must be voted within the next year, after which possibly four years will elapse before water from the Hetch Hetchy can be brought into San Francisco, and that during this long period of construction the city has been and still is under a heavy burden of bond interest, and it is our desire that a definite program be mapped out so that the uncompleted obligations may be carried out in such manner and at such time as will avoid at this time large capital expenditures for any roads which are not at present actually required to link up with the Federal or State road program.

May I ask that you give consideration to the contention of the city in the several matters and modify your requests with regard to the specific matters to conform to what may be considered as a reasonable interpretation of the act?

Respectfully,

JNO. J. O'TOOLE, *City Attorney.*

EXHIBIT D

Hon. John E. Raker on roads and trails, volume 50, CONGRESSIONAL RECORD, page 3902:

"I want, Mr. Chairman, to call the attention of the committee further to this fact, that this bill provides for roads to be built by the city and county of San Francisco from the public highway into the valley, the Hetch Hetchy Valley. They say there is a trail around the Hetch Hetchy Valley. The city and county of San Francisco, under this grant, are to build the road up to the dam, around the lake, and from there north to the Tioga Road, which is a public road leading across the mountains to the State of Nevada. It will also build a trail up to the Tiltill Valley, where the city and county of San Francisco now own 160 acres of land, an ideal place for hotels and camp sites. They will build a road from there through the valley to Smiths Peak, and a trail from the main road around the Hetch Hetchy on to Lake Eleanor, and then to Cherry Creek. The city and county of San Francisco will keep up these roads from now until the crack of doom. To-day about 25 to 75 people per year visit the Hetch Hetchy Valley. You must go in on the trail and on burro back to get there. Instead of that, you will have one of the scenic roads of the world built to this valley; and instead of having barren cliffs on either side you will have boulevards around this lake, so that the people may see the wonders of the Hetch Hetchy Valley and also the remainder of this territory that is in the watershed of this valley. They will make it accessible, and make accessible the Tuolumne Meadows, which are about 40 miles beyond, where there are about 1,500 acres which will be accessible to campers. That part of the floor of the valley which is now owned by the city and county of San Francisco, about 780 acres in extent, could now be fenced, and the Government could be prevented from using any of that part of the floor of the valley. But instead of that they say they will build roads where people can go and see this beautiful lake, as well as the rest of the park.

"They will turn over the 160 acres of land which they now own at the Tiltill Valley for camping purposes. They will make accessible Lake Eleanor, which is to-day inaccessible except to a few who go there by trail. They will turn over the Cherry Creek Valley in the same way all that they do not use for reservoir purposes, and there is a good deal of it. So that instead of destroying the scenery and preventing the people going in there, this valley will be made more beautiful with a road in, through, and about it, with the camping ground made accessible and turned over to the use of the public instead of being, as now, controlled by a municipal corporation. Those who have seen the lakes in the mountains can not but believe that Lake Hetch Hetchy will be more beautiful than anything there to-day. Lake Louise, in Canada, which is but a pond of water with a snow-capped mountain in front of it, a rugged mountain on one side, and a rugged mountain covered with trees on the other, is one of the most famous bits of scenery in the world. The very colors of the rainbow are reflected in that lake, and people go from all over the world to behold its beauty. It will be the same with this lake in the Hetch Hetchy Valley, which is to-day inaccessible. As for the rocks, there are grander and larger rocks to be seen in the Yosemite Valley. You can see them almost anywhere; but this bill proposes to make accessible that which to-day is inaccessible. Professor Grant said in relation to Lake Louise, 'I would like to go to heaven. I do not want to go to hell; but if I can not go to heaven, send me to Lake Louise.' And it will be the same with Lake Hetch Hetchy when it is completed."

Hon. Scott Ferris, on roads and trails:

"Now, much has been said in opposition both in the press and by correspondents concerning this proposition. Many of you have received circular letters from people who actually believe and in good faith think that this will destroy the park. Now, I desire with such emphasis as I have to deny that it will destroy the park in any sense. On the contrary, I believe it will improve the park. As the matter now stands only rich and well-to-do people can visit the park at all. It is an expensive proposition to journey there. You have to go on burros, pack trains, etc., and there is no railroad or street-car line that would enable you to go in any other way except by pack train. San Francisco concurs in this bill, and this bill exacts of the people of San Francisco as a condition precedent to build street-car lines and roads and trails and railroads, so that the poor can visit the park. The improvement will really make a park in reality of what is now the roughest country God ever made.

"In addition to that, they must construct roads surrounding this lake, so that the people can go in there and view the scenery in the higher Sierra of California. I said before and I repeat, that San Francisco will have to pipe this water 142 miles."

EXHIBIT E

DEPARTMENT OF JUSTICE,
Washington, May 16, 1928.

SIR: I have the honor to acknowledge receipt of your letter of December 19, 1927, in which you request my opinion on certain questions arising under the act of December 19, 1913 (ch. 4, 38 Stat. 242), commonly referred to as the Raker Act.

The Raker Act granted to the city and county of San Francisco, a municipal corporation in the State of California (hereinafter referred to as the city), certain public lands and lands in the Yosemite National Park and the Stanislaus National Forest, and rights of way and other rights, in connection with the city's project for conveying water for domestic purposes and uses to the city and other municipalities and water districts, and constructing and operating electric plants. The grant was made on certain terms and conditions set forth in the Raker Act. Paragraph (s) of section 9 of the act provided:

"That the grantee shall file with the Secretary of the Interior, within six months after the approval of this act, its acceptance of the terms and conditions of this grant."

It is stated in the opinion of the solicitor of your department, a copy of which was sent me with your letter, that the city formally accepted the provisions of the Raker Act, and it follows that the act should be regarded as setting forth a contract which is binding upon the city. Indeed the city attorney, in his letter of October 13, 1927, a copy of which also was sent me with your letter, does not question that the provisions of the Raker Act are binding upon the city, although he raises certain questions as to the proper construction of the act. The questions upon which you desire my opinion relate to these matters of construction, and I therefore proceed to consider separately each of your questions and the provisions of the Raker Act applicable thereto.

1. Your first question is as follows:

"Does the Raker Act entitled the Secretary of the Interior to prescribe the kind and quality of roads and trails required to be built and maintained by the city and county of San Francisco?"

Paragraph (p) of section 9 of the Raker Act provides as follows:

"That this grant is upon the further condition that the grantee shall construct on the north side of the Hetch Hetchy Reservoir site a scenic road or trail, as the Secretary of the Interior may determine, above and along the proposed lake to such point as may be designated by the said Secretary, and also, leading from said scenic road or trail, a trail to the Tiltill Valley and to Lake Vernon, and a road or trail to Lake Eleanor and Cherry Valley via McGill Meadow; and likewise the said grantee shall build a wagon road from Hamilton or Smiths Station along the most feasible route adjacent to its proposed aqueduct from Groveland to Portulaca or Hog Ranch and into the Hetch Hetchy Dam site, and a road along the southerly slope of Smiths Peak from Hog ranch past Harden Lake to a junction with the old Tioga Road, in section 4, township 1 south, range 21 east, Mount Diablo base and meridian, and such roads and trails made necessary by this grant, and as may be prescribed by the Secretary of the Interior. Said grantee shall have the right to build and maintain such other necessary roads or trails through the public lands for the construction and operation of its works, subject, however, to the approval of the Secretary of Agriculture in the Stanislaus National Forest, and the Secretary of the Interior in the Yosemite National Park. The said grantee shall further lay and maintain a water pipe, or otherwise provide a good and sufficient supply of water for camp purposes at the meadow, one-third of a mile, more or less, southeasterly from the Hetch Hetchy Dam site.

"That all trail and road building and maintenance by the said grantee in the Yosemite National Park and the Stanislaus National Forest shall be done subject to the direction and approval of the Secretary of the Interior or the Secretary of Agriculture according to their respective jurisdictions."

It seems clear that the provision that all trail and road building and maintenance by the city in the Yosemite National Park shall be done subject to the direction and approval of the Secretary of the Interior authorizes the Secretary to prescribe the kind and quality of roads and trails required to be built and maintained by the city, subject, however, to the implied condition that the decision of the Secretary must not be arbitrary or unreasonable and must be consistent with the intention of the parties at the time the Raker Act was passed and its provisions were accepted by the city. The act provides for the construction of roads, and it must be assumed that these roads were to be such as would meet the needs of the public then existing and such future public needs as could reasonably be anticipated.

The city attorney does not appear to question that the Secretary of the Interior has general authority to prescribe the kind and quality of roads and trails to be built by the city, but seeks to place a limitation upon the exercise of that authority in addition to the limitation indicated above, stating:

"It is the contention of the city that the proper interpretation of the Raker Act, adopted in 1913, * * * does not require the construction of a road * * * of a higher standard than the main traveled roads with which it connects and forms a part, as in existence or immediately contemplated at the time of the adoption of the Raker Act."

The short answer to this contention is that there is absolutely nothing in the Raker Act to justify the inference that the roads to be constructed need be no better than those with which they connected. If Congress had regarded the connecting roads as satisfactory and had intended that they should serve as models for the roads to be constructed, it would have been easy to insert a provision to that effect. Instead

of such a provision, the matter was left to the direction of the Secretary of the Interior. It follows that the Secretary was authorized to require the construction of roads adequate for the needs of the public existing or reasonably to be foreseen at the time the Raker Act was passed and accepted without regard to the standard of the connecting roads. It may be that the obligation of the city under the Raker Act goes further and extends to the construction of roads adequate for the actual or foreseeable needs of the public at the time the roads are built, but as it does not appear that you contemplate requiring the construction of roads of any higher standard than would have been required at the time the act was passed and accepted, and as I am not informed concerning the causes for the delay in construction of the roads, I pass over this question without expressing my opinion thereon.

2. Your second question is as follows:

"Does the Raker Act entitle the city and county of San Francisco to retain ownership of any lands owned by it in 1913 within the Yosemite National Park, except those lands actually flooded or to be flooded by reservoirs created pursuant to said act or otherwise occupied by constructed works of the project?"

Paragraph (t) of section 9 of the Raker Act provides as follows:

"That the grantee herein shall convey to the United States, by proper conveyance, a good and sufficient title, free from all liens and encumbrances of any nature whatever, to any and all tracts of land which are now owned by said grantee within the Yosemite National Park or that part of the national forest adjacent thereto not actually required for use under the provisions of this act, said conveyance to be approved by and filed with the Secretary of the Interior within six months after the said grantee ceases to use such lands for the purpose of construction or repair under the provisions of this act."

Your question amounts in substance to a request for a definition of the phrase "tracts of land * * * not actually required for use under the provisions of this act" as used in the foregoing paragraph. The phrase seems to me to be self-explanatory and incapable of further general limitation. I am unable to say that there may not be lands actually required for use under the provisions of the Raker Act, although not "actually flooded or to be flooded, by reservoirs created pursuant to said act, or otherwise occupied by constructed works of the project."

However, it appears from the letter from the city attorney of San Francisco and the opinion of the solicitor for your department that your question relates to two distinct types of lands, with respect to which there is controversy between you and the city. The first type is described by the city attorney as lying "between the present flow line of the reservoir and the flow line of the ultimate development of the same." The second type consists of lands lying along the margin of a reservoir, which the city contends "are required for use by the city for sanitary control of the reservoir."

With respect to lands of the first type, it should be noted that section 2 of the Raker Act required the city within three years after the passage of the act to file a map or maps "showing the boundaries, location, and extent of said proposed rights of way and lands required for the purposes" of the project contemplated by the act, subject to change by filing additional map or maps before the final completion of any of the work, and that section 5 contained the following provision:

"* * * That the construction of the aforesaid works shall be prosecuted diligently, and no cessation of such construction shall continue for a period of three consecutive years, and in the event that the Secretary of the Interior shall find and determine that there has not been diligent prosecution of the work or of some integral and essential part thereof, or that there has been a cessation of such construction for a period of three consecutive years, then he may declare forfeited all rights of the grantee herein as to that part of the works not constructed, * * *."

It is apparent that the act contemplated prompt determination of the scope of the proposed project and diligent prosecution of the construction thereof. It is my opinion that the city is entitled to retain all lands within the ultimate development of its reservoirs as contemplated by the maps of the project filed in accordance with the act, subject only to possible forfeiture if the construction is not prosecuted diligently, but that the city is not entitled to retain any lands not required for the project contemplated by the maps merely because they might at some indefinite time in the future be required for some enlargement of the project.

With respect to the contention of the city that it is entitled to retain certain lands for use for sanitary control of the reservoir, paragraph (a) of section 9 of the Raker Act provides as follows:

"(a) That upon the completion of the Hetch Hetchy Dam or the Lake Eleanor Dam, in the Yosemite National Park, by the grantee, as herein specified, and upon the commencement of the use of any reservoirs thereby created by said grantee as a source of water supply for said grantee, the following sanitary regulations shall be made effective within the watershed above and around said reservoir sites so used by said grantee:

"First. No human excrement, garbage, or other refuse shall be placed in the waters of any reservoir or stream or within 300 feet thereof.

"Second. All sewage from permanent camps and hotels within the watershed shall be filtered by natural percolation through porous earth or otherwise adequately purified or destroyed.

"Third. No person shall bathe, wash clothes or cooking utensils, or water stock in, or in any way pollute, the water within the limits of the Hetch Hetchy Reservoir or any reservoir constructed by the said grantee under the provisions of this grant, or in the streams leading thereto, within 1 mile of said reservoir; or, with reference to the Hetch Hetchy Reservoir, in the waters from the reservoir or waters entering the river between it and the "Early Intake" of the aqueduct, pending the completion of the aqueduct between "Early intake" and the Hetch Hetchy Dam site.

"Fourth. The cost of the inspection necessary to secure compliance with the sanitary regulations made a part of these conditions, which inspection shall be under the direction of the Secretary of the Interior, shall be defrayed by the said grantee.

"Fifth. If at any time the sanitary regulations provided for herein shall be deemed by said grantee insufficient to protect the purity of the water supply, then the said grantee shall install a filtration plant or provide other means to guard the purity of the water. No other sanitary rules or restrictions shall be demanded by or granted to the said grantee as to the use of the watershed by campers, tourists, or the occupants of hotels and cottages."

Obviously these sanitary regulations are intended to be exclusive and are to be enforced by the Secretary of the Interior, the only remedy of the city in case it regards them as insufficient being to install a filtration plant or other similar device. It follows that the city is not entitled to retain any lands for use for sanitary control.

3. Your third question is as follows:

"Does the Raker Act entitle the city and county of San Francisco to exclude, or to insist upon the exclusion by the department, of the public from the use and enjoyment of the park in any manner not inconsistent with the sanitary regulations embodied in section 9 of the said act?"

It follows from what has been said above in answer to your second question that this question must be answered in the negative. The sanitary regulations embodied in section 9 of the Raker Act are intended to be exclusive, and the city has no right to enforce, or to require you to enforce, any other or further regulations.

Respectfully,

JNO. G. SARGENT, *Attorney General.*

The honorable the SECRETARY OF THE INTERIOR.

EXHIBIT F

AUGUST 5, 1925.

Hon. HUBERT WORK,

Secretary of the Interior, Washington, D. C.

DEAR MR. SECRETARY: Your letter of July 20, 1925, referred for my consideration copy of a contract by and between the city and county of San Francisco, Calif., and the Pacific Gas & Electric Co., dated July 1, 1925, together with a copy of the opinion of the Solicitor of the Interior Department on the legal effect thereof. You request my opinion—

"Whether the performance of the acts of the city and county of San Francisco under and by virtue of this agreement constitutes a violation of section 6 of said entitled act approved December 19, 1913 (38 Stat. 242), which section prohibits the city and county 'from ever selling or letting to any corporation or individual, except a municipality or a municipal water district or irrigation district, the right to sell or sublet the water or the electric energy sold or given to it or him by the said grantee.'"

This section in full is as follows:

"That the grantee is prohibited from ever selling or letting to any corporation or individual, except a municipality or a municipal water district or irrigation district, the right to sell or sublet the water or the electric energy sold or given to it or him by the said grantee: *Provided,* That the rights hereby granted shall not be sold, assigned, or transferred to any private person, corporation, or association, and in case of any attempt to so sell, assign, transfer, or convey this grant shall revert to the Government of the United States."

In the view that I take of this transaction an extended summary of the provisions of this contract is not necessary. It provides in substance for the transmission and delivery to consumers in San Francisco of the electric energy generated by the city at its Moccasin hydroelectric plant by employing the existing distribution system of the Pacific Gas & Electric Co. at and beyond Newark, Calif., as a temporary method of utilizing this energy for the benefit of the city, pending the acquisition of title to the company's distributing system within San Francisco by purchase or condemnation after proceedings instituted by the city for the valuation of the system have been concluded. Since the city owns no distributing system of its own, it proposes to deliver the current to the company at Newark, about 40 miles from San Francisco, and from this point on the company takes the energy over its own system and accounts to the city therefor upon an agreed basis of compensation for services to be rendered under the agreement.

In the consideration of this question I have been aided by discussions with representatives of San Francisco, on the one hand, and of the Modesto irrigation district, on the other. Consideration has also been given to a lengthy argument, dated July 20, 1925, filed by seven members of the Board of Supervisors of San Francisco who voted against making this agreement; resolution on behalf of the Turlock irrigation district, adopted on June 15, 1925; copy of a letter to you from Messrs. Hadsell, Sweet & Ingalls, of San Francisco, Calif., on behalf of the Delta Land Syndicate, dated June 24, 1925; together with other letters and telegrams which discuss this contract from various angles and approve or disapprove it.

From reading this contract and the statute known as the Raker Act, it is at once apparent that the question on which you request my opinion involves a determination of a judicial question which at any time may become the subject of proceedings in the courts at the instance of the Federal Government, acting through you and the Attorney General, or of one or many other parties proceeding jointly or individually.

In this situation not only because this office ought not to commit itself to one side or the other of a legal controversy in which it may be required to take part in the future, but for the further reason that authority and the policy of the department in the past have been uniformly against such a course (see 19 Op. 56; 19 Op. 670; 20 Op. 210; 20 Op. 383; 20 Op. 618; 23 Op. 221; 23 Op. 585; 24 Op. 69, 74; 24 Op. 59; 32 Op. 472; 33 Op. 87), I am constrained to decline to give an opinion upon the question proposed.

I think you will appreciate more fully the necessity of this conclusion when you consider that by the provision of the statute known as the Raker Act the duty is cast upon you to determine from time to time whether the conditions specified in the act are being reasonably complied with and carried out by the grantee, the city and county of San Francisco; and just now, as an incident of that duty, to decide whether the utilization of the 410,000,000 kilowatt hours per year which is now or will soon be going to waste unless utilized in the manner in this contract provided for, is or is not an unreasonable thing to be done by the city until a municipally-owned transmission and distribution system can be provided.

Some of the parties in interest and their counsel contend that the instrument by which such utilization is proposed to be brought about is not in violation of the terms of the statute in any view. Some take the other extreme and say that it is wholly in violation of the terms of the statute. Others take the view that the meaning of the statute is to prevent the permanent conversion of the benefits of this waterpower development to private uses, and that what is done as a temporary makeshift to save to the city the $2,000,000 a year or thereabouts which it will realize under this contract, is not within the contemplation of the terms of the act. In the exercise of your discretion you may come to the conclusion that this last is the correct view.

It may be that an attempt will be made to continue this arrangement beyond the time that you will determine to be reasonable, even going to the extent of making this contract the means of permanently turning over this great waterpower development to the private corporation interested, and in that event it would be very unfortunate for this office to be committed to one side or the other of the controversy by an opinion rendered when conditions were entirely different from conditions existing at the time the controversy might arise.

In any event, as stated above, it is not thought best that this department undertake to determine the legal controversy in advance should it arise.

Respectfully,

JOHN G. SARGENT, *Attorney General.*

The SPEAKER pro tempore. Under the previous order of the House, the Chair recognizes the gentlewoman from California [Mrs. KAHN] for 30 minutes.

Mrs. KAHN. Mr. Speaker, the attack made on San Francisco by the gentleman from Michigan is in many respects both unwarranted and unjust. The gentleman has the idea that the most important things in the country are the national parks and he has been diverted by this from the great purpose Hetch Hetchy is to serve and has magnified a mole hill into a mountain. In these days when we think and act in terms of hundreds of millions, even billions, our colleague from Michigan has taken it upon himself to attempt to besmirch the good name of a great city because of the difference of opinion between the Department of the Interior and the officials of San Francisco involving the sum of $1,600,000 in a project running over the hundred million mark.

Let me point out right here San Francisco has shown its good faith in the Hetch Hetchy project to the extent of $120,000,000. An early bond issue of $45,000,000, followed later by one of $10,000,000, and on the 8th day of this month a further issue of $24,000,000 for construction and another of $40,000,000 to buy the existing distributing system. Surely San Francisco is not going to jeopardize a project of this magnitude by not fulfilling the minor conditions imposed by the authorization act. It is a serious thing to charge any city with breach of faith. No city built upon a foundation of broken pledges and promises unkept could prosper and grow and be loved as San Francisco is around the world.

San Francisco has not had easy sailing. Her's has been a tragic past—tragic but not drab. Three times has this city risen from her ashes to greater beauty. Undismayed by any disaster, brave, courageous, undaunted, she carries on to greater glory; unique in her charm, unsurpassed in her loveliness, there on the edge of the Pacific.

On the 19th day of December, 1913, President Wilson signed a bill which had been passed by both Houses of Congress and which was vitally necessary to the continued growth and prosperity of the city of San Francisco.

The purpose of this bill was to enable San Francisco to proceed with a great water supply and electric power development designed to serve the fast-increasing needs of the city and such of the surrounding metropolitan area as might see fit to join with San Francisco in that development for many years into the future. This bill is commonly known as the Raker Act, after the late Congressman Raker, who introduced it because the project was to be housed in the congressional district which he represented.

The title of the act is:

An act granting to the city and county of San Francisco certain rights of way in, over, and through certain public lands, the Yosemite National Park, and Stanislaus National Forest, and certain lands in the Yosemite National Park, the Stanislaus National Forest, and the public lands in the State of California and for other purposes.

The primary purpose of the city and county of San Francisco in securing this legislation was to obtain the right to use for reservoir purposes the Hetch Hetchy Valley and Lake Eleanor, both of which are located in the Yosemite National Park.

San Francisco, from the beginning of its history as a large city, has been supplied with water by a private corporation, the Spring Valley Water Co., from sources located on the San Francisco Peninsula and across the bay in Alameda and Santa Clara Counties.

About 1900, during the mayoralty term of James D. Phelan, who subsequently became United States Senator, it was realized by Mr. Phelan and other officials that the local sources must eventually be supplemented by water brought from the high mountain regions of the Sierra Nevadas and, in fact, that the latter source would become the principal one, the local supply assuming more and more the status of an auxiliary.

In 1901, as a result of engineering investigations and estimates, it was determined that the Tuolumne River watershed would be the most satisfactory source. This source, with Hetch Hetchy Valley and Lake Eleanor as the principal reservoir sites, had been suggested many years earlier as the possible source for an augmented water supply for San Francisco by a number of engineers, including those of the United States Geological Survey, but it took 12 years for the city to overcome the opposition that developed from opponents without and within the city.

Promoters endeavoring to foist rival projects upon the city, irrigation districts fearful of being deprived of water to which they thought themselves lawfully entitled, and individuals and associations interested in the preservation of the natural beauty of the national parks, all had their innings and bitterly opposed the grant to San Francisco even to the extent of seeking a presidential veto. The self-styled "nature lovers" went to the utmost limits of absurdity, one prominent magazine editor stating that San Francisco should be compelled to distill sea water if that were the only alternative to using the desired reservoir sites in the national park. The people of San Francisco had no desire to interfere with the public's enjoyment of the great Yosemite National Park. They were, therefore, willing to agree that the congressional grant which they sought be made subject to conditions which would safeguard, in a reasonable manner and to a reasonable and to a perhaps more than reasonable extent, the interests of all parties concerned, and such conditions were contained in the bill as finally approved by the President.

Our present concern is not with the propriety of the conditions of the Raker Act. The present discussion is on the matter of compliance with the conditions as they exist. Let us now review those portions of the act in which San Francisco is obligated to do things for the benefit of the United States.

Under the Raker Act the city and county of San Francisco is granted rights of way and lands in the Yosemite National

Park, Stanislaus National Forest, and other public lands for all purposes in connection with its water supply and power development. The city is obligated to pay the United States the sum of $15,000 annually to and including the year 1928, $20,000 annually for the succeeding 10 years, and $30,000 annually forever thereafter, which sum is to be kept in a separate fund by the United States to be applied to the building and maintenance of roads and trails in the Yosemite National Park and other national parks in the State of California.

The city is required to pay the full value of all timber and wood cut, injured, or destroyed on or adjacent to any of the rights of way and lands in the course of the city's work.

The city is required to build certain roads and trails and to reimburse the United States Government for the cost of maintenance of these roads and trails and to lay and maintain a water supply for camp purposes near the Hetch Hetchy Dam site.

The city is required to convey to the United States a good and sufficient title, free from all liens and encumbrances, to any and all tracts of land owned by the city at the time of approval of the Raker Act within the Yosemite National Park or that part of the national forest adjacent thereto not actually required for use under the provisions of the act.

The act sets forth sanitary regulations to be made effective within the watershed above and around the reservoir sites and in the streams tributary to the city's aqueduct.

By way of contrast it is interesting to remember that when the city of Los Angeles decided upon the Owens River as the source of its greater water supply it had no difficulty in obtaining congressional action granting the necessary rights of way, and the Owens River project of the Reclamation Service for irrigation of lands in Inyo County was abandoned in order that the water might be put to a higher use for the benefit of the greatest number of people. No onerous conditions were imposed upon Los Angeles by Congress.

The city of Portland, Oreg., obtains its water supply from a mountain watershed of 102 square miles, nearly all of which is Government land, the small remainder being owned by the city of Portland. By an act of Congress approved April 28, 1904, this watershed was absolutely closed to all persons except forest rangers, Federal and State officers in the discharge of their duties, and the employees of the water board of the city of Portland in the discharge of their duties. No conditions whatever were imposed upon Portland.

San Francisco has received so much less at the hands of the Government that she well deserves the fullest cooperation of the Government in the utilization and enjoyment of what she has been granted.

There is no question at this time as to compliance with the other conditions of the act, and it is therefore unnecessary to summarize them.

Immediately on obtaining the rights granted by the Raker Act the city commenced work on its great project. A bond issue of $45,000,000 had been authorized by the voters of the city in 1910 and funds were available from the sale of these bonds. Surveys were completed, many miles of wagon roads and trails were constructed, a standard-gauge railroad 68 miles long was built, and a complete hydroelectric power system for the operation of construction machinery was developed. However, with the increasing difficulties of financing and later of securing labor and material, due to the World War, the progress of construction for several years was slow.

The local sources of water supply were still capable of development which would take care of the city's needs for some years to come. The easterly end of the Hetch Hetchy system contained large power-development possibilities. San Francisco therefore did the sensible and businesslike thing in scheduling its construction so as to complete first the works necessary for power development in the Sierra Nevada Mountains. These works were completed in 1925, and the power development now produces a net revenue of $1,800,000 yearly, applicable to bond interest and redemption and easing the otherwise heavy financial burden which the city would have to bear. A 22-mile section of the Hetch Hetchy Aqueduct in the San Francisco Bay region has also been completed and is in service at present for conveying a part of the water from Alameda County sources to the reservoirs on the San Francisco Peninsula. The Spring Valley Water Co. pays the city $250,000 annually—practically interest charges—for the temporary use of this conduit.

The gentleman from Michigan [Mr. CRAMTON] stated that no effort had been made by the city of San Francisco to acquire a distributing system of its own for the power. I am in receipt of this telegram which was just handed me from the city attorney of San Francisco, saying:

SAN FRANCISCO, CALIF., *May 19, 1928.*

Hon. FLORENCE P. KAHN,
Representative in Congress,
Fourth Congressional District of California,
House Office Building, Washington, D. C.:

Distribution through the agency of Pacific Gas & Electric Co. to the people in San Francisco was approved as a temporary expedient by Department of Interior in July, 1925. Immediately after this approval my office proceeded to condemn local distribution systems of Pacific Gas & Electric Co. and Great Western Power Co. During past three years these proceedings have been before railroad commission, and during past two years more than 300 actual trial days have been occupied before commission. More than 5,000 folios of oral testimony have been taken, in addition to hundreds of exhibits filed by city and companies. Taking of testimony closed on March 15 and each side allowed 90 days for preparation of briefs, which will be filed by June 15, when matter will be submitted to commission for decision. As soon as railroad commission fixes valuation of properties of these companies question of their purchase by city for the purpose of distribution by city of Hetch Hetchy power will be submitted to people. You can assure the Congress that since the permission granted by the Department of Interior to distribute power through Pacific Gas & Electric Co. city has used every effort to obtain by condemnation local distributing systems. Both companies have resisted to the utmost our plans to acquire their properties, but have every hope that price to be fixed by commission will meet the approval of people and that these distribution systems will be obtained.

JOHN J. O'TOOLE, *City Attorney.*

Having completed the sections from which immediate financial return was to be expected, thus lightening the burden of interest and bond redemption upon the San Francisco taxpayers, the city is actively continuing the work of aqueduct construction, and in about four years' time should be delivering Hetch Hetchy water to San Francisco. This work is at present being financed from a $10,000,000 bond issue authorized by popular vote in 1924. A further $24,000,000 issue will be necessary to complete the work, so that by the time the first Hetch Hetchy water is delivered into San Francisco the city will have expended on the project, in round figures, $80,000,000, exclusive of charges for interest during construction and exclusive of the purchase of the present Spring Valley system, which will add about $40,000,000, bonds for which were authorized May 8 of this year.

It was not until last July that the Department of the Interior woke up to the iniquity of San Francisco. Under date of July 7, 1927, the Secretary of the Interior issued a formal notice to the city and county of San Francisco demanding the performance of all matters required of San Francisco by the Raker Act. Quotation was made from several sections of the Raker Act relative to the obligations of the city under that act, following which the statement is made that the city has not complied with the requirements of the grant set forth in the notice. Request is then made for the immediate performance by the city of a number of specific items of work and conveyances of certain designated parcels of land to the United States.

And here is an interesting situation. The Department of the Interior, created to serve and further the interests of the people, the taxpayers who maintain it, very much like a temperamental employee, comes to its employer in an arbitrary and precocious mood, making demands predicated only on its own idea of how things should be done.

Mr. CRAMTON. Would the lady mind yielding?

Mrs. KAHN. No.

Mr. CRAMTON. I am not so sure that the approval referred to in the telegram is not a matter of controversy, but to pass that for the present, the lady hardly gives quite justice to the Secretary of the Interior in the statement as to no attention being given the matter until 1927. Of my own knowledge I know the department had up with the city of San Francisco the question of certain compliance with the act in connection with the removal of the railroad tracks, and so forth, from one to two years earlier.

Mrs. KAHN. This was the first time a formal notice was served.

Mr. CRAMTON. Yes; a formal notice.

Mrs. KAHN. Following the city's receipt of this notice Mr. Mather, Director of National Parks, on August 8, 1927, appeared before the board of supervisors in San Francisco; and while admitting that he could not commit the Secretary, outlined his views as to what the Department of the Interior considered were the obligations of the city under the Raker Act, indicated the order in which he—and it is presumed the Department of the Interior—desired the city to proceed to carry out its obligations, and gave an estimate of cost of doing this work to meet the requirements or standards of construction which the depart-

ment would adhere to for the roads to be built. This estimate totaled $1,628,500. The work outlined practically ignored the work already done by the city in compliance with the Raker Act, and the cost estimate indicates very highly exaggerated ideas as to the manner in which specific items of construction should be carried out by the city.

The city officials, naturally enough, took exception to the interpretation of the Raker Act, with respect to the city's obligations, as thus presented by Mr. Mather. A letter was prepared by the city attorney outlining the city's views of the matter, noting the points of difference between the city and the Interior Department, and indicating the work which the city was willing to proceed to do. This was forwarded to the Interior Department October 13, 1927.

Later the Attorney General was called upon for an opinion, which was released last Wednesday, May 16, and which admittedly must be read from the viewpoint of the Solicitor of the Interior Department. That opinion may have its day in court, and its worth can be tested then.

The differences of opinion between the Federal Government officials and the city hinge largely upon the question of what type of road is necessary to satisfy the requirements of the Raker Act for roads to be constructed by the city. The Interior Department is calling for roads having construction standards suitable for heavy, high-speed motor-vehicle traffic; in fact, roads which might properly be termed "boulevards."

The city can not reasonably be expected or required, under the terms of the Raker Act, to construct at its own sole expense roads of such high standards.

At the time the Raker Act was approved, motor vehicles were not in common use in the mountain regions. All mountain roads, and most roads elsewhere as well, were simply wagon roads, built to serve the needs of horse-drawn vehicle traffic, without any thought for the possible future requirements of such traffic developments as have occurred since that time. The roads in the Yosemite National Park were no better than those in the adjacent mountain country, and motor vehicles were not permitted to enter the park. In such regions the word "road" was always understood to mean wagon road.

The roads already constructed by the city in connection with the water-supply development are in general of higher types of construction than would have been necessary under the act at the time of its passage. The city voluntarily exceeded the Raker Act requirements, partly for greater convenience in the use of the roads incidental to the water-supply development and partly for permanent public convenience.

Some of the specific requests contained in this notice exceed the requirements of the Raker Act, reasonably interpreted; others are reasonable and will be complied with by the city at the earliest possible time.

Briefly stated, the city's position in these matters is as follows:

The city has complied, and will continue to comply, with the obligations imposed in the Raker Act, reasonably interpreted in fairness to both the city and the Federal Government. The city has not at any time sought and does not now seek to evade any of its just obligations under the provisions of the Raker Act.

The city has received no formal written request prior to that of July 7, 1927, for compliance with specific requirements of the act. Nevertheless, the city has already done a great deal of work in fulfillment of such specific requirements. Most of this has been on the city's own initiative, generally as such work became necessary or convenient in connection with the Hetch Hetchy water supply construction program. Some such work has been in compliance with informal requests of Government officials made from time to time. Payments to the Government, as required by the act, have been promptly made. Yet the implication of the notice is that the city has not complied with any of the Raker Act requirements set forth in the notice. Emphatic exception is taken to this implication, which is very far from fact, as I will endeavor to show later.

The city is willing to proceed as rapidly as is reasonable to fulfill any requirements not already met, according to such program and in such manner as may be satisfactory to the Secretary of the Interior, within the spirit of the Raker Act.

San Francisco most emphatically takes exception to any intimation that she has been derelict or dilatory in complying with her obligations. The city has from the time of acceptance of the Raker Act "reasonably complied with and carried out" (I quote the exact language of the Raker Act) the conditions specified in the act, and is now reasonably complying with and carrying out those conditions.

It is only recently that the city completed the initial stage of construction of its work in the Yosemite National Park and the Stanislaus National Forest. The first four years of work were also the four years of the World War, and during that period and the subsequent two or three years of readjustment the work was very much hampered by difficulties of financing and of obtaining labor and material. Construction was thus thrown far behind schedule, and it was necessary to devote every effort and every obtainable dollar to essentials. It was not practicable to expend funds on projects having no immediate value in connection with the main construction job, such as the road from Mather to Harden Lake. However, nearly all of the requirements of the Raker Act for road and trail construction could be fulfilled, and in formulating the bill it was intended that they should be fulfilled by the construction of roads and trails necessary as parts of the communication system of the city's water supply construction work. Such roads and trails were, of course, built, each as necessity arose.

The city has provided a road 9 miles long extending from Mather Station (Hog Ranch) to Hetch Hetchy. This was used as the roadbed of a portion of the city's 68-mile railroad line from the Sierra Railway to Hetch Hetchy. Two years ago the track was removed and the grade was resurfaced for automobile traffic, it being understood that when, in the future, it becomes necessary to put the railroad back into service for future construction work the track may be replaced by the city. The road has cost about $250,000 and has a maximum grade of 4 per cent, and the surfaced width permits two cars to pass safely and comfortably at all points. The road is far superior in all respects to that leading to Mather from Yosemite Valley, or any other road in the park outside of the Yosemite Valley and the lower Merced Canyon, and unquestionably far superior also to the type contemplated in the Raker Act, which specifically calls for a wagon road from Hog Ranch to Hetch Hetchy. The city has far exceeded its obligations in connection with this road, but the department schedule calls for a further expenditure of $270,000 on this item. The only way such a sum could be spent on the road would be to put a high-class concrete pavement about 8 inches thick on the entire length of it.

The city built a road from Hetch Hetchy to Lake Eleanor via McGill Meadow and a trail from Lake Eleanor to Cherry Valley as required by the Raker Act. This work cost about $60,000. The Raker Act calls for a road or trail to Lake Eleanor and Cherry Valley via McGill Meadow. This language indicates that a high-class road was not contemplated. The road has a 14-foot minimum width, 12 per cent maximum grade, and the route and plans were approved by Secretary of the Interior Franklin K. Lane December 30, 1916. As constructed it fulfills the Raker Act requirements; yet Mr. Mather, representing the Interior Department, is now asking that the city construct an entirely new road in its place at an estimated cost of $800,000.

The city cooperated at considerable expense in the improvement of sections of the Big Oak Flat Road from the confluence of Moccasin Creek and the Tuolumne River to the middle fork of the Tuolumne River, performed extensive reconstruction work to improve the grade and alignment of that road, and has contributed labor, material, and equipment toward the maintenance of the road. This road, a State highway, traverses the Stanislaus National Forest. It is the only direct connection from the west to the Tioga Road, and is one of the three most important routes to Yosemite Valley. The work done by the city materially improved conditions for travel to and from Yosemite National Park and through the Stanislaus National Forest.

The city reconditioned and to a large extent reconstructed the old road extending from the Big Oak Flat Road near South Fork to Mather, north of the middle fork of the Tuolumne River. This road had been virtually abandoned, so that the city's work in effect opened a new route to Mather.

Commencing with the year 1919, the city has, as required by the Raker Act, paid the Government $15,000 annually in cash, making the total of such payments to date $135,000. For the 10-year period 1929–1938, the annual payment is to be $20,000 and thereafter $30,000.

While the Hetch Hetchy Railroad was in operation, Government officials and employees of the National Park and Forest Services were carried free of charge, and the privilege of free freight haul was extended them.

Free use of the city's telephone lines is allowed the Government.

The city has also performed many services for the United States Government, some of which are and some of which are not required by the Raker Act. The city has never been niggardly in complying with the reasonable requests of the national park and national forest authorities.

WORK REMAINING TO BE DONE UNDER THE RAKER ACT

The Raker Act also calls for a road to connect from Hog Ranch to the old Tioga Road passing Harden Lake. Early in

1927, on the request of the Director of Parks, the city paid over to the National Park Service the sum of $6,000, to be expended for a survey of this road under the direction of the United States Bureau of Public Roads. On completion and acceptance of the survey, the necessary financial arrangement to comply with the obligation in full should be made as soon as possible. However, the Interior Department is demanding a road of a much higher type than the existing park roads and much higher than that contemplated in the Raker Act. The estimate of the cost of this road is $480,000. The road as now proposed by the Bureau of Roads requires only the addition of a concrete pavement to make it fully equal to the highest class of main trunk two-line highways. Now, of course, the road actually to be constructed should be of whatever type may be necessary to provide for the class and volume of traffic anticipated by the park service, but the city's obligation would be fully met by contributing toward the cost of the road a sum sufficient to pay for the construction, at the present time, of such a road as was contemplated in the Raker Act, the Federal Government paying all excess cost made necessary by the adoption of higher construction standards. The city is ready to contribute the sum of $250,000 for this purpose. This amount is certainly more than necessary to fulfill the Raker Act obligation to the letter.

The obligation for a trail along the north side of Hetch Hetchy Reservoir and a trail from that trail to Tiltill Valley and Lake Vernon is accepted without question by the city, and surveys are now being made and these trails are to be constructed during the coming year, provided approval of the location is had within reasonable time.

LAND CONVEYANCES

Section 9 (t) of the Raker Act provides:

That the grantee herein (the city) shall convey to the United States, by proper conveyance, a good and sufficient title free from all liens and encumbrances of any nature whatever, to any and all tracts of land which are now owned by said grantee within the Yosemite National Park or that part of the national forest adjacent thereto, not actually required for use under the provisions of this act, said conveyance to be approved by and filed with the Secretary of the Interior within six months after the said grantee ceases to use such lands for the purpose of construction or repair under the provisions of this act.

The requirement of this section extends only to land owned by the city at the time of adoption of the act and not actually required by the city for use. There is no obligation upon the city to convey to the United States land required for use or acquired after the adoption of the act. Certainly land below the high-water line of any existing or proposed reservoir, land adjacent to a reservoir and required for sanitary control, and other land that will be used in connection with future construction are "actually required for use."

The discussion before Congress previous to the passage of the Raker bill clearly shows that it was the intention that lands owned by the city and suitable for use for recreational purposes within the national park and adjacent national forest area should be transferred to Government ownership. It was never intended that the reservoir lands be surrendered by the city.

The request for land conveyances in the Secretary's notice of July 7, 1927, clearly exceeds the requirement of the Raker Act. It includes all land owned by the city within the national park at the present time, whether in use or not, except a tract of 80 acres in Poopenaut Valley, which last, however, Mr. Mather has not neglected to include in his own demand. The request includes land below the flow lines of Hetch Hetchy and Lake Eleanor Reservoirs, lands immediately adjacent to the flow lines, and two tracts acquired by the city after the adoption of the Raker Act.

Certain very important clauses of the Raker Act empower the city to exercise sanitary control on the watershed tributary to its reservoirs and points of diversion. Section 9 of the act includes the following provisions:

No human excrement, garbage, or other refuse shall be placed in the waters of any reservoir or stream or within 300 feet thereof.

No person shall bathe, wash clothes, or cooking utensils, or water stock in, or in any way pollute the water within the limits of the Hetch Hetchy Reservoir, or any reservoir constructed by the said guaranty (city) under the provisions of this grant, or in the streams leading thereto, within 1 mile of said reservoir; or, with reference to the Hetch Hetchy Reservoir, in the waters from the reservoir or waters entering the river between it and "Early Intake" of the aqueduct.

In connection with such sanitary control, it is necessary for the city to reserve such portions of its lands in the national park and national forest as lie along the margins of reservoirs and important streams, and certain other lands for the use of sanitary officers to be employed by the city to enforce sanitary regulations.

Lands covered by the requirements of section (t) and not required for use under the provisions of the act are now being transferred to the United States by the city.

It has been stated by the Director of the Park Service that all of the city's lands within the park should be transferred to the United States as an evidence of good will and to conform to the desire of the park service to have all land within the park boundaries under one control. However, the objectionable features of ownership of land within the park by private parties do not exist in regard to ownership by the city, and it is difficult to see that any benefit to the Government would result from conveyance of all of the city's land necessary for water use.

SUMMARY OF THE FOREGOING

Far from having failed to carry out its obligations under the Raker Act, San Francisco has already expended sums aggregating in the neighborhood of $400,000 in the construction of roads and trails to comply with the Raker Act requirements, and is ready to spend some $300,000 additional on the remaining items, making a total expended and to be expended of about $700,000 on these roads and trail items.

Mr. CRAMTON. Would the lady mind an interruption?

Mrs. KAHN. Not at all.

Mr. CRAMTON. The lady has quoted certain regulations, but where is there anything in the act to give the city of San Francisco the right to enforce any regulation or, as the lady has said, any control whatever?

Mrs. KAHN. The water released from Hetch Hetchy Reservoir flows for a distance of 12 miles down the Tuolumne River to a diversion dam at a point called "Early Intake," where the water is turned out of the river into the city's aqueduct. Any contamination entering this portion of the Tuolumne River would be carried directly to the aqueduct. This aqueduct is now actually serving as the source of water supply for about a thousand persons located in the city's power plant operators' quarters and in the various construction camps at which further aqueduct construction is now being prosecuted. The sanitary measures provided for in the Raker Act must be enforced for the immediate benefit of these people, and the city has merely been endeavoring to enforce these regulations in a practical manner in accordance with the recommendations of the Board of Health of San Francisco, just as it will be necessary to enforce them for the benefit of the whole population of San Francisco a few years hence when the water will be conveyed on to San Francisco on completion of the remaining divisions of the aqueduct. There has never been any thought of attempting to exclude tourists from the watershed as a whole.

Pursuant to its policy of keeping the watershed clean, the city in 1927 established a public camp ground on its property at Mather Station, with water supply and sewerage systems costing about $50,000. There the tourists will be less than one-half hour's drive from Hetch Hetchy and will be much more comfortably accommodated than they could possibly be anywhere else in the vicinity.

If the city's regulations have interfered to a slight extent with the freedom of movement of a small fraction of the total number of tourists—possibly 100 annually would be a fair figure to set as a maximum—on the other hand, the health of nearly a million people in San Francisco and the neighboring communities is a pretty heavy weight on the other side of the balance and the city should have the active cooperation of the park authorities instead of resistance and opposition.

POWER DISPOSAL

The gentleman from Michigan alleged that San Francisco is violating the Raker Act by selling power to a private corporation. The fact is that the city of San Francisco, not having any distributing system for its power, and not having at the time adequate bonding capacity to provide a complete distributing system, entered into an agency contract with the Pacific Gas & Electric Co. and is delivering power to that company at a substation near San Francisco Bay for distribution through this company acting as agent for the city. The contract is subject to termination on 24 hours' notice, this provision being intended to permit the city to withdraw from the arrangement at any time that it may come into possession of a distributing system either by purchase or by construction. In the meantime, the city has entered proceedings before the State railroad commission for a valuation of the existing power companies' distributing systems, looking toward purchase through either negotiation or condemnation.

TREATMENT ACCORDED OTHER CITIES BY FEDERAL GOVERNMENT

There are many who believe that San Francisco was forced into the bad end of a hard bargain by the inclusion of a number of unnecessary and unjustified conditions in the Raker Act. It is indeed difficult to see why the Federal Government should be concerned with the apportionment of water between San Francisco and the irrigation districts. It is hard to understand why San Francisco should be required to make annual payments to the Government in perpetuity in addition to the contributions required in the form of road and trail construction and maintenance for the public benefit.

And so I have spoken to uphold the fair name of San Francisco—open-hearted, generous, kindly, hospitable—endeavoring to fulfill her every duty, her every obligation; fitting herself and her citizens for the great future that lies before them, the westward outpost of our great country, the sentinel of the Pacific, in that great State that "lies nor east nor west, but like a scroll unfurled where the hand of God hath hung it—down the middle of the world." [Applause.]

SECOND DEFICIENCY APPROPRIATION BILL

Mr. MORROW. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon certain portions of the deficiency bill that passed yesterday.

The SPEAKER pro tempore (Mr. HOOPER). Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. MORROW. Mr. Speaker, the House yesterday passed the deficiency appropriation bill, H. R. 13883. There were included in the bill some items of vital interest to the development of the State which I have the honor to represent.

Two items which particularly are of direct and far-reaching importance in the future development of the State were included in the bill, the development of the Middle Rio Grande Valley, N. Mex., and the raising of Avalon Dam, Carlsbad irrigation project, New Mexico.

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

The first of the items mentioned had its origin with the residents in the middle Rio Grande Valley, principally the people located in the city of Albuquerque, N. Mex.; the people of other towns and villages in the valley cooperated with the city of Albuquerque in forming the Middle Rio Grande Conservancy District. The district was organized under and pursuant to chapter 140, session laws of the State of New Mexico, in 1923. This law was drawn with the view of securing the cooperation of the Government of the United States. Authority was vested specifically therein authorizing the cooperation with the United States in making surveys, investigations, and reports as well as in constructing, maintaining, using, and operating the improvements to be made.

The act approved February 14, 1927 (Public, No. 620, 69th Cong.), authorized an appropriation for reconnaissance work in conjunction with the Middle Rio Grande Conservancy District to determine whether certain lands of the Cochiti, Santo Domingo, San Felipe, Santa Ana, Sandia, and Isleta Indians are susceptible of reclamation, drainage, and irrigation. The survey was thus permitted to go forward and completed.

On March 13, 1928, a further act was approved. This was the act (Public, No. 169, 70th Cong.) authorizing the Secretary of the Interior to execute an agreement with the Middle Rio Grande Conservancy District providing for conservation, irrigation, drainage, and flood control for the Pueblo Indian lands in the Rio Grande Valley, N. Mex., and for other purposes.

There was considerable struggle to enact the above act, but it was finally passed and thus permitted a contract between the Conservancy District of the Middle Rio Grande Valley, N. Mex., and the Secretary of the Interior. One hundred and thirty-two thousand acres of land within the valley, adjacent to the city of Albuquerque and the other towns of the valley, will be reclaimed, drained, irrigated, and a complete plan of flood control will be provided.

The press of that section of New Mexico has said that this legislation is one of the most forward steps in building and developing that part of the State that has been accomplished since statehood. The appropriation of $100,000 was not included in the deficiency appropriation bill, as reported to the House. It is said that this appropriation was held up because certain Indian legislation which had passed the House and Senate, pertaining to the Acoma Pueblo Indians (H. R. 11479), had been recalled and was being held up without passage in the Senate; the legislation was urgently demanded by the Bureau of Indian Affairs. That legislation, as well as that for which the appropriation of $100,000 is sought, should be enacted.

The purpose of the appropriation was to carry forward the contract between the Government and the conservancy district, which had for its purpose the irrigation, reclamation, drainage, and flood control of 23,670 acres of Indian land, for which the Government contracts to pay the Indian share of the same, $1,593,311. This $100,000 is the first installment toward the carrying-out of that contract on the part of the Government with the Middle Rio Grande Conservancy District.

I was taken by surprise when I found the appropriation was not included in the bill. In tracing the item from its recommendation by the Commissioner of Indian Affairs to the Bureau of the Budget, and the latter's approval of the same to the Committee on Appropriations, I was assured that the appropriation would be included. Finding that it was not included, I sought the chairman of the committee and requested from him and other members of the committee permission to offer an amendment on the floor; the amendment which I offered is as follows:

On page 30, line 4, insert a new paragraph:

Middle Rio Grande conservancy project, New Mexico: For payments to the Middle Rio Grande Conservancy District, in accordance with the provisions of an act entitled "An act authorizing the Secretary of the Interior to execute an agreement with the Middle Rio Grande Conservancy District providing for conservation, irrigation, drainage, and flood control for the Pueblo Indian lands in the Rio Grande Valley, N. Mex., and for other purposes," approved March 13, 1928, fiscal year 1929, $100,000 (reimbursable).

The amendment was agreed to.

It is to be hoped that from now on this development will go forward, so that the entire area contained within the conservancy district may at the earliest time possible be developed, with full cooperation from the Government, through the officers of the Bureau of Indian Affairs. There is opportunity for speedy growth of a desirable population in this healthful locality, which has great possibilities along agricultural and horticultural lines.

AVALON DAM, CARLSBAD PROJECT, NEW MEXICO

The other project that the people of New Mexico may feel great satisfaction in is the carrying forward and construction of Avalon Dam, Carlsbad, N. Mex., which will, when completed, afford a complete water supply for the 25,000 acres of land now under irrigation under that project.

This project when first taken over by the Government in 1904 had for irrigation at that time a dam known as the McMillan Dam. This reservoir had been condemned by four engineers of the Government in their report made under date of August 31, 1905. The report stated as follows:

Lake McMillan is a leaky reservoir and the leakage is so great as to practically destroy its value, except for temporary and auxiliary storage.

At the time this project was taken over by the Government the condition of that reservoir was known, and it was contemplated and agreed that the Government would construct for that reclamation project a new reservoir. From that time up until the proposed construction of Avalon Dam the Government has failed to carry out its promise.

There was an attempt made by the Government in the year 1912 to raise McMillan Dam, to provide storage for 5,000 acres additional; at that time 20,000 acres were under irrigation. The result was the expenditure of $395,747.40; of this sum $164,383.62 was for the acquisition of flowage rights which the Government admitted was a mistake made by the Government.

The total expenditure was of no value to the project, but caused a greater leakage and less storage in McMillan Reservoir.

In the charge off that occurred upon the reclamation projects, under the act which passed the House on May 3, 1926, and the Senate on May 17, 1926, and which received the approval of the President, there was deducted by the charge-off bill from the total cost of Carlsbad project the sum of $374,885.69, on account of error in providing for additional storage in Lake McMillan. This was the first move by which this project began to recover, and from that time on to the present there has been an effort, by various conferences with the Reclamation Service, to secure an adequate water supply and the construction of a dam at site No. 3, or at the Alamogordo site near Fort Sumner, N. Mex., to provide both Carlsbad and Fort Sumner irrigation projects with a permanent water supply.

Three outstanding irrigation engineers were appointed by contract between the Government and the Pecos Water Users' Association and the Fort Sumner project. The engineers selected in pursuance of this contract dated May 10, 1926, were Louis C. Hill, Oro McDermith, and S. O. Harper. The specific matters to be reported were outlined in article 5 of the contract, as follows:

It is understood that the board shall, among other things, consider the feasibility of (a) a reservoir at the so-called site No. 3, Carlsbad

project; (b) a reservoir at the so-called Alamogordo site to furnish supplementary storage for the Carlsbad project and for the irrigation of lands in the vicinity of Fort Sumner, with or without storage at site No. 3; (c) a reservoir to be constructed at Alamogordo site for lands near Fort Sumner alone; (d) the question of available water supply for both projects named, with the inclusion of such additional land, if any, as may be found feasible.

The engineers filed their report in July, 1927, eliminating all sites except the raising of Avalon Reservoir to the elevation of 3,200 feet, to store 50,000 acre-feet of water, the cost of which was estimated at $857,527.

The geologist, Mr. Kirk Bryan, delayed his report until January, 1928. The recommendation made by him was to raise the Avalon Dam to the 3,192 elevation; this was contrary to the report of the engineers.

The Commissioner of Reclamation considered the geologist's report as unfavorable and declined to make a recommendation for an appropriation, unless the matter was further passed on by another geologist. A geologist from Leland Stanford University was selected to make the report; his recommendation was to raise the dam to the 3,200 elevation. The Commissioner of Reclamation still declined to make a recommendation after the disaster to the St. Francis Dam in California.

Again engineers were requested to make further report, and a special inspection for the Bureau of Reclamation was made in the closing days of April, 1928, by Mr. D. C. Henney, Mr. Foster (consulting engineer), and Mr. Walters, of the Denver office, chief engineer of the western irrigation projects.

A complete report was made and the recommendation was the Avalon Dam should be raised to the 3,200 elevation. The deficiency appropriation bill carries the first installment for this purpose in the sum of $250,000.

It is with a certain degree of satisfaction that after a period of 24 years the Government is now going to complete this reservoir and make this project permanent for the irrigation of 25,000 acres of land.

The appropriation for these two projects carried in the bill has caused me to feel considerable satisfaction with what efforts I have put forward toward the success of getting these matters in a position of permanency in my State of New Mexico.

FUNCTIONING AS AN INTERPRETER FOR SOCIAL DEMOCRACY—AN EXPLANATION OF SOME OF THE BILLS I HAVE INTRODUCED

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. BERGER] is recognized under the special order for 45 minutes.

Mr. BERGER. Mr. Speaker, ladies, and gentlemen, I appreciate your courtesy in granting me time at present to explain some of my bills. I am well entitled to the time, however, as the only Representative in this House of a school of opinion which has several million adherents in our country. Moreover, I have never tried to obstruct the business of the House, even when I was sorely tempted to do so.

Mr. TILSON. I thank the gentleman personally; he has been helpful rather than obstructive.

Mr. BERGER. I appreciate this remark of the gentleman from Connecticut.

Mr. Speaker, I am a pioneer, as you know.

SOWING THE SEED—FUTURE GENERATIONS WILL HARVEST

And remember, ladies and gentlemen, the lot of the pioneer is always a hard lot, no matter which the line or what the field. Whether a man goes out into the primeval forest to blaze a path for civilization and build a home for his family, whether a man finds new facts for science and medicine, the pioneer always has to overcome immense difficulties. And especially in new lines of thought one has to combat tradition, prejudice, ill will, misunderstanding, hatred, and a thousand other obstacles.

Nowhere is this more evident than in the realm of law and politics, where usually old-established economic interests and social prerogatives are well intrenched. After all, however, this pioneering work must be done in every line by somebody, or else humanity would come to a standstill. We Socialists are simply sowing the seed for future generations to harvest.

Even in my lifetime I have seen many an idea which we Socialists have originated, and which was denounced at first as anarchistic, un-American, and dangerous, become a part of the law of this country—Federal as well as State and municipal.

To interpret the Socialist position, I have introduced a number of bills in this House, some of which I shall discuss in the short time allotted to me.

SOCIALISTS ARE OPPOSED TO ANY VIOLENT REVOLUTION

These bills will give you, ladies and gentlemen, and also the people of the country, some idea of our hopes, fears, and ambitions.

These bills in themselves ought to set at rest any speculation caused in the average man by the fear of the unknown.

All I can do is to introduce bills that show what the Socialists would do as a party if they had the power. These measures, and many others like them, will sooner or later become the law of the land, if we are to avoid a social explosion like the one in France at the end of the eighteenth century, which cost Europe 5,000,000 lives. Or the one in Russia 10 years ago, which has cost, according to some figures, about 2,000,000 lives, and is still far from being finished.

Now, we Socialists are opposed to any violent revolution.

And I especially do not want any because I am convinced that a violent revolution would probably take on a worse aspect in this country than anywhere else. Anything bad in our country is done more thoroughly, you know.

Now, as to a few of the bills which I have introduced this session.

FEDERAL AID TO REDUCE ILLITERACY

Mr. Speaker, ladies and gentlemen, on January 30, this year, I introduced a measure proposing Federal aid to the various States for the purpose of reducing illiteracy.

The bill provides that the Federal Government appropriate $2,000,000 annually for the next six years—that appropriation to be apportioned among the various States in proportion to their percentage of illiteracy, but subject to the requirement that each State appropriate a similar amount.

The United States was one of the first nations to make an elementary school education generally available. It is therefore unfortunate that our great and rich country should now be trailing other and poorer nations which started later than we did.

Mr. FLETCHER. The gentleman says we are lagging behind other countries.

Mr. BERGER. Yes; in comparison with other countries.

Mr. FLETCHER. By illiteracy, the gentleman means those who can not read or write?

Mr. BERGER. Yes, sir.

Out of every 100 Americans over 10 years of age, 6 are unable to read or write their names, according to the Federal Census.

RICHEST NATION COULD WELL AFFORD TO BECOME MOST LITERATE

We have a larger percentage of illiterates than France, England, Wales, Scotland, Sweden, Norway, Netherlands, Switzerland, Denmark, or Germany.

Germany, for example, has practically no illiteracy—the percentage being 0.03 per cent. In the United States the percentage of illiteracy is 7.7 per cent.

Our 5,000,000 adult illiterates are just about equal to the total population of the continent of Australia.

And the percentage of illiteracy, according to the Census Bureau, for native whites of native white parentage is decidedly higher than for native whites of foreign or mixed parentage.

All of that is not only unfortunate, but it is also unnecessary.

We claim—and rightly so—to be the richest nation on earth. We can very well afford also to make it the most literate.

ILLITERACY BEGETS TYRANNY AND MOB RULE

The menace of illiteracy is especially threatening in a democracy, where so much depends upon the people's ability to read and write.

We may assume that the communist régime would not have made the headway in Russia, and Fascism would not have taken root in Italy and replaced democracy, if there had not been so much illiteracy in those two countries. And in the degree that illiteracy will disappear, democracy will assert itself.

And as to our own country—where illiteracy is greatest, as in the South—such groups as the Ku-Klux Klan and other mob movements, are able to get their start and even make headway for a while.

ONLY OBLIGATION OF STATE TO PAY EQUAL SUM TO THE FEDERAL GOVERNMENT

Even the most faithful adherent of State rights need not fear to support this bill.

My proposal does not shift the problem from the State to the Federal Government. Nor does it deprive States of any of the rights they now have. In my bill education still remains a State matter.

The State still continues to have full control and every right, as in the past. All that I propose to do in this bill is to encourage the States to increase and improve their educational facilities, and thereby reduce illiteracy.

By acquiring the benefits of the Federal appropriation the States only assume the obligation to pay an equal sum with the Federal Government for the abolishing of illiteracy. The States will thereby benefit and the Nation will benefit.

NEWSPAPERS EXPRESSED GENERAL APPROVAL

Congress has set a precedent for this by making Federal appropriations for good roads. And everyone will agree that abolishing illiteracy is worth at least as much to the Federal Government and to the Nation as good roads. And the cost of the plan under my bill is surely not prohibitive. It is rather moderate.

I might add that the comment which the bill caused in the press all over the country shows a general approval of this measure.

So much for this.

A BILL TO GUARANTEE FREE SPEECH

Mr. Speaker, ladies and gentlemen, a bill "to put teeth" into the first amendment to the Constitution by passing an enforcement act was introduced in the House by me on February 14 last. This measure makes it a Federal offense to violate the provisions guaranteeing freedom of speech, of the press, and of orderly assembly. It makes violations of the first amendment a felony punishable by two years' imprisonment or by a fine of $5,000, or both.

Much is being said about "putting teeth" into the eighteenth amendment—the prohibition amendment. Putting teeth into the eighteenth amendment has become a favorite phrase of the Anti-Saloon League ever since the "dry" amendment was adopted.

It has never been suggested by any group of these "whisky reformers," however, to put teeth into the first amendment to our Constitution, which is much older and certainly much more important.

JEFFERSON AND HAMILTON BELIEVED AMENDMENT MOST ESSENTIAL

Thomas Jefferson and Alexander Hamilton did not agree on many things. Thomas Jefferson and Alexander Hamilton, nevertheless, agreed that the first amendment, which guarantees the right to speak freely, write freely, and peaceably to assemble, was the most important amendment of our Constitution.

All thinking people believe with Thomas Jefferson and Alexander Hamilton that the first amendment—guaranteeing free speech and a free press—is most essential to the preservation of the fundamental rights of Americans.

FIRST AMENDMENT STANDS FOR FREEDOM

This amendment is also remarkable as being one of the few provisions of the Constitution which, instead of limiting liberty, extends it. For instance, the eighteenth amendment undoubtedly restricts personal liberty, which the first amendment undoubtedly extends.

Moreover, I believe that the first amendment can be enforced fully, because it means freedom; while the eighteenth amendment can never be enforced entirely, because it forbids freedom.

WE HAVE DIFFERENT KINDS OF AMERICANS NOW

Unfortunately, human liberty meant more to Americans in the eighteenth and nineteenth centuries than to the American to-day.

Certain American business men to-day worship Mussolini, who bragged that he "wipes his feet on liberty," and who abolished the last vestige of democracy in Italy. These same business men find fault with the Russian Communists, however—not because they abolished democracy but because they violated the sacred rights of private property.

Wealthy Americans to-day envy Italy, Spain, and Turkey their dictators. One hears every day business men deploring the fact that Congress is in session, and that the Senate is investigating "big business" and the methods of oil magnates and of the Power Trust.

Some business men even express the wish that Congress would adjourn forever.

A Member of the other House who represents big business made the pious statement not long ago that if he were dictator one of the first things he would do would be to abolish the Federal Trade Commission and the Interstate Commerce Commission. Why? Because they occasionally expose the corrupting influences of big business.

BUT THEY WOULD JAIL THOMAS JEFFERSON

We hear a great deal of Americanism and Americanizing, of course. There is much lip service paid to our Constitution. Capitalist newspapers give prizes for the best essays on the Constitution. But the most important parts of that Constitution are now dead letters—and are to remain so, as far as these newspapers are concerned.

Americanism now means that children and immigrants must learn how to salute the flag.

And patriotism to-day means military display—Navy Day, Defense Day, Flag Day.

And democracy, if it means anything at all, means jobs for "deserving Democrats"—and the hope that Al Smith will get a chance to shake the "plum tree." [Laughter.]

If Thomas Jefferson would arise from his grave to-day, the Democratic statesmen of the South would put him in jail immediately as a dangerous radical. [Applause and laughter.] Jefferson said that violent revolutions are needed every 25 years to preserve liberty. [Laughter.]

CONDITIONS IN RUSSIA, ITALY, PENNSYLVANIA, AND COLORADO

There can be no question that the right of the people to speak freely, write freely, and to have the right to assemble for the purpose of discussing their grievances lie at the basis of all other rights.

But free speech has become next to impossible in our country, especially whenever strikes and economic problems are in question.

Everywhere in the civilized world strikes are now recognized to be the leading economic weapon of the working class—except in Russia, Italy, Pennsylvania, and Colorado. [Laughter.]

CHURCH HYMNS CONSIDERED REVOLUTIONARY IN PENNSYLVANIA

Even the right to worship has been denied in Pennsylvania.

Judges disposed to do the bidding of the mine owners in Pennsylvania have not only enjoined the strikers from congregating, from holding meetings, from speaking to each other, but in one instance the injunction even provides that the men and their families shall not gather at the church to sing religious hymns, because the company complained that the singing of these hymns inflames the strikers.

The same judge has even forbidden the strikers, most of whom are actually starving and homeless, from receiving any kind of aid from others, thus sentencing thousands of miners and their families to starvation.

NOT AS WELL ORGANIZED AS IN WESTERN EUROPE

Mr. Speaker, have the American people lost their faith in democratic institutions? There seems to be less concern in our country about the loss of civil liberties than in any western European country. There is surely less resistance among our folks against Federal, State, and local tyranny. We have truly become a docile people.

The trouble is that our American working class, apart from the farmers, is mostly made up of aliens and semialiens.

Furthermore, it is made up of all kinds of nationalities, races, and religions, who have little love for each other and little coherence with each other. Certain employers play upon these animosities. These are the reasons why the American proletariat is the most poorly organized of any working class of any civilized western European country.

SO HAPPY WITH "BREAD AND GAMES"

Owing to the colonial conditions that still prevail to a certain extent—the standard of living is higher in America than in Europe and the living conditions are undoubtedly easier—especially since the war has turned most of Europe into a poorhouse. That explains the psychology of being "satisfied with anything at all" of the immigrant worker.

Nevertheless, even the native American is satisfied if he has enough to eat, can go to a "movie" and see a game of baseball or a prize fight occasionally. If, on top of all that, he is permitted to have a cheap automobile and a little "radio" on monthly payments, and in some places a little home brew, then the goal of his wishes has been reached.

The slogan in our country to-day, like in Rome of antiquity, seems to be "Panem et circenses," bread and games. But in old Rome bread and games were furnished free; here the populace must work for bread and pay admission whenever they want to see a game.

AND REVERE THE DAUGHTERS OF THE AMERICAN REVOLUTION

Mr. Speaker, we have all but stopped immigration, even immigration from Germany, England, and the western countries of Europe, where people on the whole have a high average education.

We are trying now to mold them all into one form, which we proudly call the American mold.

All are to think alike and to speak alike and to act alike. All are to believe that the present social, political, and economic order is the best that the world has ever produced or ever can produce, and that our Constitution, which was patched up nineteen times, is the most perfect and the most sacred document ever received by man since the decalogue.

And we are teaching the young people in the public schools to salute the flag and to revere the Daughters of the American Revolution [laughter] and to believe that if anybody wants cheaper electric service he is a bolshevik. [Laughter.]

SUPERPOWER SYSTEM IS SUPERIMPORTANT

Mr. Speaker, ladies, and gentlemen, on April 30, 1928, I offered a bill providing for a national public superpower system.

The bill contains features for the conservation of the Nation's natural resources—the coordination of irrigation and flood control, navigation, and hydroelectric power production—the enlargement and expansion of the Reclamation Service in the field of agriculture—and also Federal aid to States, counties, districts, cities, townships, and other political subdivisions in the development of a superpower system, with service at cost.

SOCIALISTS WARNING TO PREDATORY WEALTH

In proposing public ownership and public control of superpower the Socialist Party and the Socialists in general are the most conservative and genuinely conserving force at work in our Nation to-day.

And let me warn you that the predatory interests, and especially those that are now in the Power Trust, are doing all they can to bring about a violent revolution, in which they will undoubtedly suffer the fate of the tyrants of previous epochs and be wiped out entirely, probably with their wives and children. Not only to benefit all the people to-day, but also to prevent a fearful catastrophe, we Socialists are suggesting the taking of steps that will allow for a peaceable and orderly change.

HE FROM WHOM "OIL" BLESSINGS FLOW

John D. Rockefeller, jr., has just admonished the big oil magnates—connected with Teapot and oily "jack pots"—to be honest. This gesture of piety must have impressed some people. Do you know why he asked Col. Robert W. Stewart to resign as chairman of the board of the Standard Oil Co. of Indiana?

Colonel Stewart revealed in his testimony before the Senate committee that $759,500 of the bonds of the Continental Trading Co., which company netted a profit of $3,000,000, he put to his personal account in the bank.

Stealing from the Government is one thing, but grabbing from the Standard Oil is another. We must draw a line somewhere. Is it any wonder that John D., jr., became indignant to the point of demanding honesty in "big business"?

Moreover, after a man is a multimillionaire it pays him to preach honesty so that people will respect his ownership and should not by wicked means try to get his wealth away from him. [Laughter.]

There can be no doubt, however, that the superpower lobby and the interests it represents constitutes to-day one of the most corrupting influences in the United States.

THE CORRUPTING INFLUENCE OF THE SUPERPOWER UTILITY COMPANIES

The Federal Trade Commission during recent weeks has been piling up a mass of documentary evidence and direct testimony which proves that the utilities industries are engaged in a campaign of propaganda and corruption of enormous proportions. The object is to influence public thought and legislation against public ownership in any form, against Federal legislation, and specifically against the Boulder Dam and Muscle Shoals bills.

During the war we have become familiar with many forms of propaganda, but the superpublicity experts employed by power companies have improved upon the system and brought it to a state of perfection. [Applause.]

Pinning the bolshevist label on opponents and undertaking to censor school textbooks are samples of this high-power efficiency.

Mr. FLETCHER. Is Dr. Frank Bohn a member of the Socialist Party?

Mr. BERGER. He was, but he left the socialists during the war. During the war Bohn was in charge of the American spy system in Switzerland—in charge of our so-called secret information service in Geneva.

Mr. FLETCHER. Was he associated with "Big Bill" Haywood?

Mr. BERGER. I do not think he was, but it is possible. Bohn was a socialist, and Bill Haywood was an I. W. W. You know occasionally a black sheep will get into any party, but the socialists kick them out.

Facts in the Power Trust case are as follows:

WILL BECOME EITHER THE SLAVE OR THE OVERLORD OF NATION

The next phase of civilization will be based upon the general use of electric power. The home as well as the factory and the farm will be dependent upon the general extension of this power. If this superpower is wisely controlled for the benefit of all the people, it will become the slave of the Nation.

If it is not publicly controlled, but left in the hands of a few overlords to be used for their greed and profit, that power is bound to enslave humanity.

CONCENTRATION RAPIDLY PROCEEDING

To-day five companies control almost one-half of all the electric power used in America. About 20 concerns control more than four-fifths of all the electric energy in our country.

This concentration of control has brought with it large and increasing profits to those on the inside who have control. In 1922, for instance, the profits of the electric industry were $338,400,000. In 1926 these profits rose to $587,400,000, which means an increase of more than $250,000,000 in three years.

GREATEST LOBBY EVER ORGANIZED

And hand in hand with this concentration goes the corrupting influence of this octopus. Not only Congress but State and city legislative bodies feel now the presence of this lobby.

It has been well characterized in Congress as the greatest lobby ever organized in this country—and its spokesmen boast that it represents $18,000,000,000.

OCTOPUS BUYS UP PROFESSORS AND HIRES AND FIRES TEACHERS

College professors are getting Electric Trust "retainers" to preach against public ownership and to boost the "advantages" of private operation. Servile colleges get big donations as a reward.

The Federal Trade Commission reports that the managing director of the National Electric Light Association recommended to the trust—that it not only hire and bribe university professors, which it did—but also use all other means to discharge teachers and to remove textbooks that the trust did not want.

This was accomplished in a number of States.

HOW THE POWER TRUST "TAKES CARE" OF ITS FRIENDS

About a year ago Mr. Insull, of Chicago, contributed $200,000 to the senatorial campaign of the chairman of the Illinois Public Service Commission and also a neat little sum to the fund of his Democratic opponent, who happened to be the Democratic boss of Illinois.

In 1922 the electric interests on the Pacific coast acknowledged the expenditure of more than $500,000 to defeat the water and power act of California.

Recent investigations brought out incredible conditions in that respect.

Newspapers and preachers were subsidized, and two former governors and two former United States Senators are among the men retained to help the Power Trust get what the trust wants and keep what the trust has. The trust has spent millions and is ready and willing to spend millions more.

Whenever it is necessary and whenever the agents of the Power Trust think it advisable they not only dine and wine members of legislative bodies, but these agents of the octopus assure such legislators that they "will be taken care of" when they retire to private life.

EVERY ONE OF US HELPS TO PAY THESE WAGES OF SIN

Nevertheless the question has been asked not only by Socialists but even by capitalist papers not yet in the ring of the power companies:

In the last analysis, who is it that contributes the $1,144,000 being spent this year by the National Electric Light Association for propaganda and "educational" purposes?

Why, it is you and I and everyone else who turns on an electric light to read or plugs in an electric iron to press a frock. [Applause.]

All the money comes out of the rates collected from the household consumers of the country. The National Electric Light Association gets a portion of the gross receipts of each electric-light company which records the contribution as an operating expense.

Each of us is thus taxed by a monopoly to provide funds used against us by a propaganda and lobby organization that buys professors, corrupts newspapers, and "influences" legislators. [Applause.]

Of course they want to control "public opinion." It means many millions of dollars every year to them. And we, the consumers, must hand them the money used to corrupt and control public opinion as they choose.

PUBLIC OWNERSHIP

The only way to bring a halt to this menace of wholesale corruption and grand thievery is to adopt the principle of public ownership. Public ownership is not bolshevism, of course.

Public ownership means simplicity of organization, no stock-selling propaganda, and no corruption. It means more than this.

WHAT PUBLIC OWNERSHIP MEANS

It means electricity at home at the cheapest possible price and at the lowest rates. It means the revolutionizing of our industrial life. It means the revolutionizing of our transportation. It means an abundant supply of electric current for every city. It means the revolutionizing of agriculture not only by

cheap fertilizer but by its use for all kinds of work, and especially burdensome work, on the farm, because a 10-horsepower motor is equivalent to the power of 2 teams of 2 horses each and 10 men. It means the conservation of coal, oil, and gas. And it also means the coordination of flood control, irrigation, and navigation and hydroelectric power by the development of our great waterways.

COMPARE RATES IN CANADA WITH RATES IN UNITED STATES

We have before us a most conspicuous example of such public control, even on a comparatively small scale, the case of Ontario, Canada.

Despite the fortune spent by the Power Trust to discredit the efficient example of that Canadian Province, we know that Ontario, starting on a very small scale 20 years ago, to-day owns numerous great generating plants along the Canadian border and is cooperating with 380 municipalities to supply electricity at cost.

From charges ranging from 7 cents per kilowatt under private ownership—the rates have been reduced until in 1926 the average price for domestic users throughout the Province of Ontario was only 1.8 cents per kilowatt—that is, less than 2 cents per kilowatt.

And even this low charge permits the retiring of the bonds issued by the Hydroelectric Power Commission within 40 years.

SAVE OUR COUNTRY FROM BONDAGE

In the United States we permit private companies to whom we have given most of our resources to charge exorbitant rates for the benefit of private bond and stockholders. To judge from the example of Ontario, the profits must be exorbitant. [Applause.]

We can still save future generations from bondage by enacting the bill I have introduced for the public ownership of super power. If you do not adopt this measure, or a similar one in the near future, you are courting grave trouble.

AS TO THE DAWES SCHEME

Mr. Speaker, ladies, and gentlemen, to-day I have introduced a resolution authorizing and directing President Coolidge to call an international conference for the purpose of revising the so-called reparation terms, the Dawes plan, and the provisions of that pact of hate, the Versailles Treaty.

I have done so because I am convinced that a European economic crisis which will also affect the United States will be precipitated shortly when the larger of the reparation sums under the Dawes plan will have to be paid by Germany.

THE FIRST TEST IS NEAR

On September 1, 1928, within less than three months, the Dawes scheme will be subjected to its first test. On that day Germany will have to make a payment of about $625,000,000. It is clear from the most superficial study of European conditions and of Germany's finances that Germany will not be able to meet this obligation.

It will be the first test because the money that Germany has paid each year since the Dawes plan became effective was paid out of loans made by Germany in foreign countries, mainly in America. This, obviously, can not go on forever.

Germany can not go on paying debts by making more debts.

CAPITALIST AND NATIONALIST FOLLY

The only way by which Germany could pay any reparations at all, as a former English chancellor of the exchequer pointed out, would be by having a surplus of exports over imports. At the present time Germany imports $300,000,000 more than she exports. In order to pay reparations at all she would have to change the import surplus of $300,000,000 to an export surplus of $625.000,000.

That is plainly impossible. And if it were possible, it would mean flooding the British and American markets with cheaply made German goods, which would put so many people out of work that it would create a revolution in England and hard times in America—in spite of our high tariff.

As it is, Great Britain, France, and America are making the German people work longer hours and accept a lower standard of living than ever before. Capitalistic and nationalistic folly—and capitalistic and nationalistic greed—are defeating their own ends.

OUR FARMERS ARE MUCH INTERESTED

At the conference which I propose that the President should call it will be necessary to consider not only the Dawes plan and the immediate disaster that faces Europe but the entire subject of reparations and the Versailles treaty—since these things can not be divorced.

Americans, and especially our farmers, are very much concerned in this central European market—over $2,000,000,000 annually. Our farmers have lost this very desirable market through the war and are regaining it very slowly. [Applause.]

The facts in the case are as follows:

GERMANS WERE DECEIVED

On November 5, 1918, the allied governments declared that they were willing to make peace with Germany on the terms laid down by President Wilson in his various declarations, especially the so-called 14 points.

It was upon this understanding that Germany laid down her arms. And in this understanding there was no intention of Germany paying any indemnity at all. President Wilson said, "There shall be no contributions, no punitive indemnities."

It has been estimated by British experts that $10,000,000,000 would cover all the damage done in France and Belgium.

VICTORS WERE RULED BY HATE ONLY

The American delegation did try to place the reparation claims at a reasonable figure, but Lloyd-George, a demagogue, and Clemenceau, the incarnation of hate, demanded fantastic sums.

It was always clear that Germany could pay only by exports; that she could not export without importing raw materials; and that she had no money with which to buy raw materials.

Moreover, it was clear that if Germany exported enough to pay an indemnity she would compete with England, and England would be in even greater economic distress.

It is hardly necessary to mention the French invasion of the Ruhr, which was simply an outburst of French nationalist hatred. It did not achieve its purpose, which was to separate the Rhineland from Germany. But the unlimited issuance of paper money to assist the striking workers of the Ruhr—who struck against the French annexationist schemes—brought chaos into German finance and German economics.

In order to find a way out the Dawes scheme, so-called, was introduced.

WHAT THE PLAN PROVIDED

The plan, which the American international bankers had devised to accomplish the impossible—to squeeze blood out of the bloodless German turnip—was adopted in January, 1924.

The Dawes plan did not fix the amount Germany was to pay. But it provided, first, for the restoration of German economic unity by having the French leave the Ruhr; second, for a loan of $200,000,000 to Germany; third, a partial moratorium for four years, during which Germany would pay sums ranging from $250,000,000 to $450,000,000 annually; and fourth, that Germany pledge certain revenues and her railroads and telegraphs as security.

This plan was never expected to last for any length of time, of course. And the Dawes scheme will break down—just as it was intended that it should.

AMERICA MUST TRY TO UNDO SOME OF THE DAMAGE DONE

Germany has by this time anyway paid nearly 10 times as much as she should have paid.

The Versailles treaty, the reparations, and the Dawes plan which followed, all rest upon the infamous lie that Germany alone was guilty of provoking the World War. The Dawes plan must be dropped and the indemnities refused.

France, which is extremely prosperous, but who declines to pay her just debts, must be shown her place in the world—for the good of the world.

America did not sign the Versailles treaty, but we are the leading nation, economically and politically. Having misled the Germans by Wilson's fourteen points, and having helped bring on the era of political insanity and economic chaos in Germany by entering the war we should now also help to undo, at least to some extent, the damage we have done.

So much for the Dawes scheme.

A BILL TO INCREASE COMPENSATION OF TOTALLY DISABLED VETERANS

Mr. Speaker, ladies and gentlemen, veterans of the World War who have been totally disabled as a result of their military service will have their compensation increased under the terms of a bill introduced by me on May 9.

Compensation for those totally incapacitated for any work is raised from $100 to $150 per month, while veterans who are totally blind get an increase from $150 to $250 per month. Loss of both eyes and one or more limbs entitle a veteran, under the terms of my bill, to $300 per month.

THIS CAN NOT EVEN BE TERMED GENEROSITY

Although the World War was the result of European capitalistic and nationalistic rivalries and hatreds—and we were dragged into the bloody mess by a lying propaganda unparalleled in the history of the world—and although none of the pretexts of those who dragged us into it have been achieved—the men who went into the slaughter, went there believing that they defended our country. And, therefore, when they came out with eyes and limbs gone they can never be compensated sufficiently. The least that we can do is pay them enough to keep them secure against want.

Generosity—if that is what it is to be called—is all the more justified when it is recalled that these men, with very few exceptions, did not go voluntarily. They went because the law said they had to go. More than 90 per cent of the American Expeditionary Forces were chased across the ocean obeying laws with the making of which they had nothing to do.

As a matter of fact, many had just voted Wilson into office because "He kept us out of war."

We must remember that neither the propaganda of the years preceding the war, nor all the horrible stories of German atrocities, nor all the high-sounding phrases about fighting to preserve democracy—really impressed our young men sufficiently to make them rush to the recruiting stations when war was declared. Officers in charge of recruiting stations reported immediately after the declaration of war that there were very few volunteers. In this respect, also, the late war differed from the American Civil War, when over 90 per cent of the soldiers were volunteers.

Our men were conscripted and sent to France. That is, if they were poor. If they were rich—many were commissioned in the naval reserve, or given swivel-chair jobs in Washington.

WAR PROFITEERS OUGHT TO BE TAXED TO PAY TO WAR VICTIMS

Convinced as I am that we committed a crime against our people and against the white race when we permitted our international bankers and munition makers to plunge us into the World War—I am equally convinced that the 23,000 millionaires the war created can afford to pay, and should be made to pay, along with all other profiteers, the minimum requirements of those who have been disabled for life—the victims of the war.

This bill ought to be passed without delay.

Mr. TILSON. The gentleman's bill is founded on disability and not on rank?

Mr. BERGER. Of course; I am a Socialist, you know.

Mr. TILSON. I am a Socialist to that extent.

Mr. BERGER. The gentleman is more of a Socialist than he knows.

MY ANTILYNCHING BILL

Mr. Speaker, ladies and gentlemen, in a bill I introduced on April 12, this year, I proposed that the Federal Government take drastic steps to abolish lynchings by having the Federal Government prosecute civilians and officials who have any part in lynchings.

Any citizen who joins a lynching party would be liable to five years imprisonment and a $5,000 fine. Police officials whose duty it is to protect individuals in accordance with the laws, and who fail to take the necessary precautions to protect them against mob attacks, would be liable to twice that penalty.

Communities in which lynchings occur would forfeit $10,000 for each lynching taking place in those communities.

REPUBLICAN PROMISES AND REPUBLICAN PERFORMANCES

Four years have passed since the Republican Party pledged itself, in its national platform, to the enactment "at the earliest possible date of a Federal antilynching law so that the full influence of the Federal Government may be wielded to exterminate this crime."

During those four years 79 persons were killed by lawless mobs, while the Republican Party, which had made this platform pledge, and which had a majority in both Houses of Congress to carry out its other policies beneficial to special interest groups, failed to keep its promise to outlaw lynchings.

This betrayal of those whose votes the Republican leaders obtained by making this platform pledge is an encouragement to lawless communities to continue the barbarous practice.

In 1927, 16 people, entitled to the protection of our laws, were lynched, 7 of them in the State of Mississippi alone, which State holds the record for the year.

DEMOCRATS THINK LYNCHING IS A "STATE RIGHT"

The first duty of a government is to maintain the authority of its laws over the territory it governs. That duty our Government has failed to perform.

I hope that the Seventieth Congress will not conclude its work until the majority party—the Republicans—enact a Federal antilynching law. I make this appeal to the Republicans, because the Democrats here seem to insist that the right to lynch a person is a State privilege [laughter], and that any Federal legislation seeking to abolish that valuable privilege is an encroachment on State rights. [Laughter.]

The Democrats do not think it is an encroachment on the rights of States to have a Federal prohibition agent come snooping around your home to find out whether you take a drink. So far the Federal Government may go, according to the claims of my Democratic friends. But to have Federal agents come into a State to punish lawlessness which deprives people of their life and limb without a trial or a hearing—that, say the Democrats, is an invasion of State rights.

Mr. FLETCHER. The gentleman does not mean all Democrats?

Mr. BERGER. I do not mean all of them. There are some very fine and noble Democrats, as there are fine and noble Republicans. Only they have not yet seen the light.

CONGRESS MUST DEFEND ITS OWN LAW

It is not only the duty of Congress but also clearly within the power of Congress to enact this legislation.

In the fifth section of the fourteenth amendment Congress is given the power to enforce constitutional guaranties, and that power is broad enough to authorize the enactment of the bill I propose.

NOT STRONGER THAN SITUATION REQUIRES

My bill is stronger than any other antilynching bill that has been proposed. There are teeth in it. It is not any stronger, however, than the exigencies of the situation require—or the menace with which it is intended to deal would justify.

TELEPHONE AND TELEGRAPH ACTUALLY A MONOPOLY

Mr. Speaker, ladies and gentlemen, recent investigations have confirmed the impression that has prevailed for a long while that the American Telephone & Telegraph Co. has destroyed practically all competition in the telephone business, dominates the field in which it operates, and is piling up tremendous profits, not only directly from its income for services, but in a dozen other ways less generally known.

I believe that when a monopoly reaches the stage where no competition can prevail against it, it ought to be acquired by the Government and operated in the interest of all the people—and not left in possession of a little group.

I therefore introduced a bill on January 23, 1928, providing for the national acquisition and Government operation of telegraph and telephone lines.

COMPELS MANY PEOPLE TO PAY TOLL

The American Telephone & Telegraph Co. does 72 per cent of the telephone business of the United States. It dominates the rest. It is supposed to be the richest corporation in the world.

Through its control of the Western Electric Co., of which it owns 98 per cent of the stock, and from which all other telephone companies are obliged to purchase telephone apparatus on a cost-plus basis—the telephone trust exacts tribute from the American people. The tribute is paid from the time the apparatus is made, down to the time the telephone user is compelled to pay the rate for the service he gets.

PRIVATE MONOPOLY CHARGES AS HIGH AS FOUR TIMES AS MUCH AS PUBLICLY OWNED INSTITUTION

Practically every important nation in the world, excepting the United States, owns and operates its telephone and telegraph system in connection with the postal department. Practically every Postmaster General of the United States (since the telegraph was invented) has pointed out the advantages that would result from its Government ownership and operation. At 17 different times committees of Congress have investigated this matter, and in every case have concluded that public ownership was desirable and have recommended such action.

In spite of all this, the Telephone Trust, with the publicity and propaganda created by the fortune it has made through fleecing both the public and its employees, has been able to hold on to a monopoly.

The investigations that have been made of the system of public operation now almost universally adopted, show telegraph rates under private ownership are from two to four times as high as in countries under public ownership. Long-distance telephone rates are from three to seven times higher.

Our telegraph rates run from 25 cents to $1 and over per message. Where the systems are publicly owned they cost from 10 cents to 24 cents for the same messages.

EVEN WORSE IN CASE OF TELEPHONE RATES

The contrast in telephone rates is even more striking. For 100 miles we pay three times, for 300 miles five times, and for 400 miles six times, and for 700 miles eight times as much as the rate under public ownership for the usual three-minute conversation.

In other countries under public ownership, the rates are about 1 cent a call on the average. In our country, under private ownership, the local rate averages more than 5 cents per call.

Thus, we find that our rates for electrical communication average, in the case of the telegraph, two to four times—in the case of the long-distance telephone, three to seven times—and, in the case of the local telephone, two to four times—the rate for

such service where the wire systems are publicly owned and operated, as they should be in this country, as a part of the postal system.

IMMENSE SAVINGS UNDER PUBLIC OWNERSHIP

Public ownership will have three important advantages, each of which will benefit not a special group but the entire Nation.

In the first place, it would result in important economies which can not be effected under private ownership.

Instead of having several systems of wires, exchanges, and equipment, one system would be sufficient to take care of both the telegraph and telephone service. The telephone wires and other equipment are sufficient to handle the telegraph service at the same time, thus avoiding the tremendous loss resulting from duplication.

Theodore N. Vail, the late president of the Western Union, made the statement that the gross reduction of charges that would be made possible by joint use of the wire systems would be from 2 to 25 per cent. This would mean a possible saving of $50,000,000 a year.

WOULD BE DOING AWAY WITH DUPLICATION

Public ownership would do away with the operation of 25 private companies doing a commercial business in the United States. Two of these companies duplicate their agencies in more than half of the country—the Western Union and the Postal Telegraph.

In most places, you have probably observed that one company maintains an office a few doors away from the other. Why this duplication? Whom does it benefit? And who pays the cost for this waste of men and materials? The public.

While there is an enormous waste resulting from this duplication where there is much telegraph business, in many places where service is needed occasionally but business is not plentiful, there is no service at all. Neither the Western Union nor the Postal Telegraph will open a branch in those places.

Thus private companies develop the overpaying territory and neglect the territory where business is rarer.

The Government, which even in 1922 already had 52,000 post offices, could use those offices also for telegraph stations. Every community in the country would thus be assured telegraph service. The saving that could be effected from the present duplication in the busy districts would more than cover the cost of the extension of the service to the entire Nation.

COMPARE POSTAL SERVICE WITH TELEPHONE SERVICE

Not only is Government operation bound to be more economical but it will also be more efficient. In 1912 the United States ranked second among all the nations in the matter of postal efficiency—a remarkable tribute to the greatest enterprise upon which our country is engaged.

In the matter of telephone service the United States ranked ninth.

The success of the parcel post also confirms the view that Government service is more efficient, as well as more economical, than private enterprise.

EMPLOYEES WOULD REAP GREATEST BENEFITS

All the people, and especially the small business man, would benefit from public ownership. But the workers engaged in the industry would gain the most. The Government would not spend money for spying in order to prevent them from joining a trade-union. The Government would give them decent wages and decent working conditions.

They get neither now.

FOR SAKE OF ECONOMY, EFFICIENCY, AND HONESTY

Regulation has failed to deal with this problem.

Regulation did stimulate corruption. Regulation always fails when big business and Government officials get together to settle matters that concern millions—hundreds of millions—of dollars.

For the sake of efficiency, for the sake of economy, and for the sake of honesty let us make the telegraph and telephone system part of our Postal Service. [Applause.]

TO PROTECT MINORITIES IN RUMANIA

Mr. Speaker, ladies, and gentlemen, on March 26, this year, I offered a resolution providing that treaty relations between the United States and Rumania be terminated because of Rumania's persecution of racial and religious minorities.

The atrocities to which the resolution referred were perpetrated in Rumania on various minorities—including Catholics, Lutherans, Baptists, Jews, Germans, and Magyars—and they were perpetrated with such brutality as to justify reading Rumania out of the family of civilized nations.

INCREASED RUMANIAN TERRITORY

The cruelties and brutalities practiced by the so-called "successor" countries of Europe, especially Rumania, again disclose how foolishly we acted when we poured out life and treasure on the European battle fields in order to make possible the existence of these nations.

As a result of our sacrifices, Rumania increased her territory from 53,000 square miles to 123,000 square miles, and acquired jurisdiction of 18,000,000 people in place of the 8,000,000 she ruled before.

SMALL SIZE OF A COUNTRY NO EXCUSE FOR GREAT DEPRAVITY

The United States, being largely responsible for bringing these minorities under her power, owes them the duty to protect them against the atrocities of that semicivilized, medieval government. The fact that Rumania is smaller than some of the other nations gives her no right to sink below the standard of all civilized countries.

WE ABROGATED TREATY WITH CZAR IN 1912

In 1911 our Congress voted to terminate treaty relations with Russia, because the United States did not want to be a party to a treaty with any Government that discriminates between American citizens on the ground of their religious views. That decision was largely the result of the persecution to which the Russian Czar subjected religious and racial minorities.

The time has come when Rumania must be made to realize that it can not revert to a state of barbarism without incurring the contempt of other nations.

RUMANIA MUST REALIZE THIS IS TWENTIETH CENTURY

A severance of treaty relations seems to me to constitute the most effective step short of war that we can take to discharge the obligation we owe the persecuted minorities.

That ought to make Rumania realize that this is the twentieth century.

FOR FOREST RESERVE IN EACH STATE

Mr. Speaker, ladies, and gentlemen, in order to adopt a comprehensive policy of reforestation, the effect of which would be, first, to reduce the dangers of disastrous floods and, second, to replenish the timber resources of our country, I introduced, on April 2, this year, a bill providing for the establishment of a national forest reserve in each State.

FORESTS BEST BINDERS OF SOIL AND BEST RESERVOIRS OF WATER

The Mississippi flood, with the tremendous toll it has taken of life and property, will not have been a completely unmixed evil if as a result of the huge loss our people would see the need of adopting a national reforestation and conservation policy.

While the danger of floods resulting from heavy, long-continued rains, or the rapid melting of masses of snow, could not altogether be removed by reforestation, it is conceded by all students of the subject that forests are better binders of the soil and better surface reservoirs of water than any other form of vegetation on the face of the earth.

The 160,000,000 acres of actual or potential forest land draining into the Mississippi can render substantial service in the prevention of floods in the valley. And 14,000,000 acres of agricultural soil that are carried away each year as a result of the denuded forests in that region could be preserved by adopting a sound forestation policy.

WE HAVE IMMENSELY REDUCED OUR FOREST LAND

Besides the flood-control advantage of forestation, our denuded forest land tells a vivid and tragic story of the recklessness with which our natural resources have been wasted to enrich a few at the expense of the rest of the people.

Continental United States originally contained 822,000,000 acres of forest land.

We have permitted by expansion of settlements and cultivation, the operation of timber-using resources, and the waste caused by American carelessness as to fires and insect pests, the reduction of this vast area to 138,000,000 acres of forest.

One of the worst features of the situation is the unbalanced geographical distribution of the standing timber that remains, three-fourths of the forest land being located east of Great Plateau.

DO WE WANT A CHINAFIED UNITED STATES?

The remaining softwood saw timber is disappearing eight and one-half times as fast as new growth is replacing it, and our hardwood saw timber is disappearing approximately three and one-half times as fast as it is being replaced.

A Chinafied United States—barren of forests and brooks, but subject to periodic inundations—confront us.

Let us halt the policy of destruction and begin to undo the damage by passing the bill I have introduced.

SO-CALLED "ESPIONAGE ACT" STILL ON STATUTE BOOKS

Mr. Speaker, ladies and gentlemen, I presented to the House, on February 20 this year, a bill providing for the repeal of the so-called "espionage act," which act, in spite of

its name, has nothing to do with espionage. The law was enacted shortly after the United States entered the World War for the purpose of preventing any criticism of the origin or conduct of the war.

The impression prevails that the draconic war law which made it a crime punishable by 20 years in the penitentiary to criticize the war policies of the Wilson administration has been repealed along with all other war measures. That is an error. The so-called espionage act is still on the statute books and is automatically in force the moment our country gets into war with any other.

CITIZEN MIGHT FIND HIMSELF IN PENITENTIARY

The danger of the law would become very real should any administration continue to pursue imperialistic policies in Mexico, Nicaragua, or any other place.

If intervention in some foreign country should ripen into an official declaration of war—a citizen would find himself silenced under penalty of a 20-year penitentiary term if he expressed sentiments not in accord with those of the administration.

DEMOCRATS REVIVED LAW AGAINST WHICH THEY HAD FOUGHT

The so-called espionage act was the most outrageous measure ever passed in our country.

Its nearest approach was the alien and sedition act in 1798, of which it is an almost verbatim copy in many respects. That old act resulted in the wiping-out of the Federalist Party and in the birth of the Democratic Party, as a protest organization against the Federalists. And it is almost tragi-comic that a Democratic administration revived the vicious law.

ONLY DEMOCRATIC VERSION MUCH WORSE

Moreover there is this difference between the espionage law and the law of 1798:

In the alien and sedition act the maximum penalty was a fine of $2,000 and imprisonment for 2 years, while the espionage law provides a penalty of $10,000 fine and 20 years imprisonment. And in the old law the truth of a statement was admitted as a defense, while under the present espionage law the greater the truth the harder the punishment.

NO CITIZEN FOUND GUILTY OF ESPIONAGE

Under the espionage act 2,000 men and women who dared to speak and write the truth as they saw it—a right guaranteed to them by the Constitution—were sentenced to prison terms ranging up to 20 years. Not a single citizen, however, was found guilty of espionage.

NO SUCH ACT IN CIVIL WAR

The law was defended on the ground of war emergency. But Abraham Lincoln waged a war far more vital to the Nation's existence—and with sentiment divided everywhere, including the North—and fought out mainly within 100 miles of Washington—without an espionage act.

THIS IS THE TIME TO REPEAL IT

The only purpose in retaining the law on the statute books is to assure the ruling class that they can plunge this Nation into war whenever the protection of their investments abroad may require it.

Anyone objecting will be put behind bars immediately.

This is the time to demand that the law be repealed.

FOR THE PURPOSE OF CALLING A CONSTITUTIONAL CONVENTION

Mr. Speaker, ladies, and gentlemen, I have proposed an amendment to the Federal Constitution providing that Congress may call a constitutional convention for the purpose of revising our Federal Charter.

WAS A POLITICAL CLOAK TO FIT A BABY NATION

The necessity of rewriting our Constitution must appeal to all who can visualize the tremendous changes—political, economic, and social—which have come over the Nation since the present Constitution was adopted in 1789, and who understand that a constitution that was adequate to the needs of 1789 can no more suit the needs of 1928 than a garment made to fit a child can fit an adult.

IT WAS AN ENTIRELY DIFFERENT COUNTRY

When the present Constitution was adopted a great part of the country was still covered with a vast primeval forest.

The largest city, Philadelphia, had about 30,000 inhabitants. There were only a few towns which had a population of from 2,000 to 5,000.

Manufacturing in the United States was then in its childhood, most of it was in Philadelphia. The use of steam and electricity was unknown.

Corporations in the present sense were unknown; a corporation then meant a city or a township. There were no railroads, no telegraphs, no telephones.

Public schools did not exist, and schools of any kind were few and far between.

THE WISEST OF MEN COULD NOT HAVE FORESEEN PRESENT CONDITIONS

The Constitution made at that time, when the population was 2,500,000, mainly pioneer farmers with a fringe of merchants in the small coast towns, was suited more or less to those conditions.

Even then, however, it was considered by many a miserable piece of patchwork, that had to be amended 10 times before the colonies agreed to ratify it.

But the wisest of men could not have foreseen in 1789, when this was a little frontier country, the political and economic conditions of 1928. No less than 19 patches have been placed on our political cloak, but these patches have failed to make it fit modern conditions.

DESIGNED TO THWART THE WILL OF COMMON HERD

I know that nothing offends and antagonizes the "vested interests" more than a criticism of the Constitution. That has become particularly true since our country embarked upon its imperialistic ventures.

They know that the present Constitution was designed by the wealthy class of that day—the speculators of scrip and big landowners, and their representatives—with a view to preventing the people from exercising their political influence. For many years only those who had a certain amount of wealth could vote.

Only one-sixth of the people had the voting franchise at the time the Constitution was ratified—and most of them did not vote.

The worst features of a monarchy were included in the office of the President, who has more legislative power than two-thirds of both Houses of Congress, besides immense executive and administrative powers.

Everything was designed for the purpose of making it easy to defeat the will of the common people.

OUR CONSTITUTION BROKE DOWN AT EVERY TEST

The defenders of the Constitution—and they include many who do not even know its contents—always attribute this country's rise to power to the Constitution. They claim it stood the test.

If our country has prospered, this was due to our colonial conditions, our virgin soil, our inexhaustible resources, and our immense immigration, which gave to the United States the cheapest and most intelligent labor of the rest of the world. It was not due to our Constitution. And the country did not become great and powerful on account of the Constitution. On the contrary, whenever the Constitution was subjected to a test, as in 1860 and 1917, it failed.

SOCIAL WELFARE LEGISLATION NOW ALMOST IMPOSSIBLE

We must make the Constitution more flexible, so that it can be changed by a majority vote of all the people. We would deny to the Supreme Court power to pass upon the constitutionality of acts of Congress.

We would make possible the enactment of child welfare, minimum wage, and other social welfare legislation, which is almost impossible under the present Constitution.

MY MISSION IN THIS LEGISLATIVE BODY

Mr. Speaker, ladies and gentlemen, I realize that standing alone I can not pass any of this legislation. But as a matter of fact, neither can the Democrats, of whom there are a great many more, pass any legislation they propose. And, for that matter, most of the Republican Members can not.

All I can do is to function as an interpreter. I can try to show to the people, most of whom know absolutely nothing about socialism or socialist theory, what the socialists would do if they had the power.

This function I consider exceedingly useful in view of the economic trend in our country and the rapidly growing concentration of wealth, on one hand, and the decline of the independence of the farmer and the workingman, on the other.

THIS IS NOT DEMOCRACY

Let us think it over. What did it profit to restrict the prerogatives of Kings and the privileges of nobles of the past through long struggles and violent revolutions as long as the privileges of wealth remain intact?

Distributing votes and concentrating wealth did not fulfill the promises of democracy.

A handful of men in our country have the power for weal or for woe—political, financial, social—greater than the power of millions of people combined.

Call this state of things whatever you will, but do not call it democracy. Claim for it what advantage you please, but do not claim that such a "democracy" is advantageous to the masses.

WE MUST SOLVE PROBLEM OF DISTRIBUTION IF REPUBLIC IS TO SURVIVE

The principle which should guide a democratic government—the principle which should guide every honest government—is

the principle of subordinating the individual to the general welfare, and that principle requires a broad application.

If a man is not allowed to steal a loaf of bread from others to satisfy his hunger, then a man ought not to be allowed to steal a million loaves from others and steal them every day to satisfy his greed.

We have solved the problem of production; we must solve the problem of distribution or our civilization will break down.

In short, our present so-called democracy can not defend its very name against the encroachment of plutocracy. And, what is worse, the pseudodemocracy can not defend its very existence on the ground of equity, or morality, or even of expediency—unless it becomes social democracy. Only then a real republic, "res publica," will become possible and will endure. [Applause.]

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

Mr. BERGER. Yes.

Mr. KINDRED. Going back to the gentleman's bill which provides for the federalization of education and the control and supervision of our public-school system, while theoretically the idea appeals to the gentleman, does not the gentleman think that in the last analysis such a standardization and bureaucratization of our public-school system would prove disappointing and mischievous and violative of the rights of the States?

Mr. BERGER. I brought out very plainly that my bill does not require and does not propose to have Federal supervision of education in any way. All we do in my bill is to give the States a certain sum of money which the State must duplicate if it accepts the proposition, and the State is to use it according to its own discretion.

Mr. KINDRED. Does not that bureaucratize the schools?

Mr. BERGER. Suppose New York State gets $500,000 on condition that New York should also spend $500,000 to combat illiteracy in any way New York pleases——

Mr. KINDRED. But when the Government spends money it supervises it and supervises the system of spending it.

Mr. BERGER. It supervises it only to the extent of seeing that New York State puts up the same amount of money. I brought it out plainly that the matter rests with the State entirely.

Mr. KINDRED. But there would be an interfering, would there not?

Mr. BERGER. Not at all, except that we would see to it that the State spent the money for education and not for anything else, as for instance, a capitol building, or any other thing that has nothing to do with education.

Mr. KINDRED. I thought the gentleman was opposed to the whole system of bureaucratization?

Mr. BERGER. As far as I am concerned I believe our national administration is getting top-heavy. I believe there is too much bureaucracy in Washington. Look at the number of bureaus we have. There is a great tendency on the part of bureaus to arrogate power that belongs to the people of the respective States. I agree with the gentleman from New York to that extent. My bill, if adopted, however, would be a blessing, because it would not necessitate the creation of any new bureau but it would stimulate the fight on illiteracy. I believe New York has also quite a number of illiterates.

Mr. KINDRED. Not a very great number.

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

Mr. BERGER. Yes.

Mr. SCHAFER. During the gentleman's investigation of the Power Trust, and I agree that this investigation is a good thing, did he not find that the North American Co. was a part of the power and utility trust of the country?

Mr. BERGER. Yes.

Mr. SCHAFER. And does not the North American Co. have a great interest in the Milwaukee Electric Railway & Light Co.?

Mr. BERGER. I believe they own it.

Mr. SCHAFER. The gentleman stated that former socialists who were writing for the Power Trust were expelled from the Socialist Party?

Mr. BERGER. They were.

Mr. SCHAFER. Does the gentleman remember that the Milwaukee Electric Railway & Light Co., with the stand-pat papers supporting that company and the leaders of the gentleman's party and the Milwaukee Leader, the Socialist paper, were all of them on the same band wagon on behalf of the "service at cost" proposition?

Mr. BERGER. I do not remember any band wagon, and I am one of the leaders.

Mr. SCHAFER. Did the North American Co. and the Milwaukee Electric Railway & Light Co. turn Socialist when they were advocating the same principles that the Socialist paper and leaders were advocating?

Mr. BERGER. Oh, I am afraid the gentleman does not understand the question. He does not understand what socialism is, else he would not say that the North American Co. would ever advocate socialism.

Mr. SCHAFER. Then we must assume that the Socialists turned over to the Power Trust. They were both advocating the same principle, but were defeated by an overwhelming vote.

Mr. BERGER. The gentleman is a well-meaning man, but when he gets up to speak his logic fails him entirely. [Laughter.] He did not get the meaning of my speech. There is no more possibility of the North American Power Co. and the Milwaukee Railway & Light Co. turning Socialist than there is of the gentleman himself wanting to turn Socialist.

Mr. SCHAFER. How comes it that the gentleman's paper and the Socialist leaders were advocating the same principle as the North American Power Trust and Milwaukee Electric Railway & Light Co?

Mr. BERGER. The gentleman does not know anything about it. He does not know what he is talking about. However, in any event when a corporation has an honest case or an honest cause, the Socialist would have to do justice to that corporation.

Mr. SCHAFER. That is a good answer to offer when you can not explain the unholy alliance between the Socialist Party and the North American Power Trust.

Mr. BERGER. There has never been a holy or unholy alliance on the part of the Socialist Party with the North American Power Trust and the Milwaukee Electric Railway & Light Co. [Applause.]

OKANOGAN IRRIGATION PROJECT

Mr. SMITH. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 1661.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

A bill (S. 1661) to authorize the Secretary of the Interior to transfer the Okanogan project, in the State of Washington, to the Okanogan irrigation district upon payment of charges stated.

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

Mr. CRAMTON. Reserving the right to object, Mr. Speaker—which I do not expect to do—this is the bill to which I objected once or twice on the Consent Calendar, for the transfer of the Okanogan project. I was very reluctant to see that bill pass, because it might serve as a precedent for others. But there is an emergency that must be met in some way. I think that it is perhaps possible that the Secretary of the Interior might have been able to work it out in some other way, but I can not see any other way that Congress can adopt to work it out. I have suggested to the gentleman from Idaho one or two amendments, so that in the event of the default under the terms now given there will be no discretion in the department about taking back the property involved and shutting off the water. I understand these amendments are in the bill.

Mr. SMITH. Yes. Those amendments are in the bill.

Mr. CRAMTON. I am not able now to suggest anything further. With those amendments in, I hope the bill will pass.

Mr. CHINDBLOM. What is the proposed legislation?

Mr. SMITH. The bill proposes to turn over the Okanogan project in the State of Washington to the irrigation district, and save to the reclamation fund the overhead expense of superintending the operation and maintenance, and collecting funds from the farmers to reimburse that fund for this service.

Mr. CRAMTON. If the gentleman will permit, it is a compromise settlement. It is a reclamation project which has been a financial failure, so far as the original contracts are concerned, and this proposes and authorizes a compromise settlement.

Mr. CHINDBLOM. This turns the property over to their organization?

Mr. CRAMTON. Yes.

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

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to contract with the Okanogan irrigation district for the transfer of the control of the Okanogan project, in the State of Washington, constructed pursuant to the act of June 17, 1902 (32 Stat. L. 388), and acts amendatory thereof or supplementary thereto, known as the reclamation law, upon the district agreeing to pay to the United States in discharge of all obligations the sum of $10,000 per annum for the period of 31 consecutive years, beginning with the year 1928. Upon such payments being completed, the said Secretary is authorized to convey to the

district all the right, title, and interest of the United States in and to said Okanogan project.

SEC. 2. The Secretary is authorized to assign to the district all claims that the United States now holds under contracts with water users and others owning land outside the boundaries of the said district, or owning land within the boundaries of said district but not consenting expressly or impliedly to the modifications in their water-right contracts necessary to conform to the terms of said proposed contract between the United States and the Okanogan irrigation district. During the irrigation season of 1928, prior to the execution of such contract with the Okanogan irrigation district, the district may, at its own expense, operate the canals and other works of the Okanogan project for the delivery of water to the water users thereunder, and during such irrigation season may deliver water regardless of the restrictions now imposed by the reclamation law relating to delinquency in payment of charges.

SEC. 3. The contract between the United States and the said district shall reserve to the United States the power, at the option of the Secretary of the Interior, to resume control of said project at any time when necessary to shut off water to enforce payment of the annual installments provided for in the first section hereof.

Mr. SMITH. Mr. Speaker, I offer an amendment. On page 2, after the figures "1928," insert the words "such installments to be due on December 1 of each year and bear interest at the rate of 6 per cent per annum after due."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 2, after the figures "1928," insert "such installments to be due on December 1 of each year and bear interest at the rate of 6 per cent per annum after due."

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

The amendment was agreed to.

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: On page 2, line 25, after the word "when," insert "he may deem it."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was rejected.

Mr. SMITH. Mr. Speaker, I offer the following amendment: On page 2, line 24, strike out the words "at the option of the Secretary of the Interior."

The SPEAKER. The gentleman from Idaho offers an amendment, which the Clerk will report.

The Clerk read as follows:

Line 24, page 2, strike out "at the option of the Secretary of the Interior."

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

The amendment was agreed to.

Mr. SMITH. Mr. Speaker, I offer another amendment. At the end of the section insert: "The Secretary of the Interior is directed to resume control and shut off water to enforce payment whenever any such annual installment is not paid on or before March 1 after due."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH: On page 3, after line 2, insert: "The Secretary of the Interior is directed to resume control and shut off water to enforce payment whenever any such annual installment is not paid on or before March 1 after due."

The amendment was agreed to.

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

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

CONSTRUCTION AT MILITARY POSTS

Mr. MORIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 11134) to authorize appropriations for construction at military posts, and for other purposes, with Senate amendments, disagree to the Senate amendments and ask for a conference.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. MORIN, JAMES, and MCSWAIN.

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER. The Chair designates the gentleman from Oregon [Mr. HAWLEY] to preside to-morrow at the memorial exercises for the late Representative CRUMPACKER.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. SABATH for the balance of the session, on account of illness.

ENFORCEMENT OF PROHIBITION

Mr. MEAD. Mr. Speaker, I ask unanimous consent to address the House for five minutes on a resolution which I introduced a few days ago.

The SPEAKER. The gentleman from New York asks unanimous consent to address the House for five minutes. Is there objection?

Mr. MEAD. Mr. Speaker, I trust in the course of my remarks no one will interpret my speech as being either a wet or a dry speech, for it is an appeal for the approval of a resolution which concerns the rights and protection of our citizens.

On May 12 I introduced a resolution (H. Res. 202) calling for the appointment of a special committee of five Members of the House to investigate the shooting of Jacob H. Hanson, of the city of Niagara Falls, N. Y., by a member of the United States Coast Guard assigned to the Buffalo district.

Since introducing the above-mentioned resolution I have made somewhat of a study of the use of firearms by agents of the Federal Government employed in the enforcement of the eighteenth amendment and the Volstead Act, and, while some of these cases were justifiable, many lives could be spared by exercising better judgment.

The numerous Federal agencies whose duty it is to enforce the law makes difficult, unless by legislative or Executive order, the issuing of safe and uniform regulations concerning the use of firearms by enforcement officers.

For illustration, and particularly on the Niagara frontier, where Mr. Hanson was shot, we have agents of the Prohibition Bureau, the Coast Guard, the border patrol, the customs service, and the Immigration Bureau, all engaged in patrolling bridges, ferries, highways, as well as the shores of the Niagara River and the Lakes.

In addition to these agencies we have the local police, the sheriff's force, and the State police, all sworn to protect the lives and property of our citizens, and with all these many legions of officials, officers, and agents human life is not safe on the public highways of the Nation. When such a condition exists it is time the representatives of our Government took action.

Nor is this attack on Mr. Hanson the only case of its kind on record. All over these United States hundreds of men have been killed in connection with the enforcement of the Volstead law, while thousands have been wounded.

The records of the Prohibition Bureau list the names of 126 persons, mostly citizens, who have been killed by prohibition officers from January 16, 1920, to May 15, 1928, while 49 prohibition and 2 narcotic officers have been killed during this same period.

IMMIGRATION BUREAU

The records of the Immigration Bureau disclose the names of 7 immigration officers killed and, while we have no record of the number killed by immigration officers, a conservative estimate would place the figure at approximately 100, mostly aliens, who were shot near the Mexican border.

CUSTOMS SERVICE

In the Customs Service the records include the names of 8 officers killed and 17 seriously wounded in gun fights or in pursuing persons alleged to be violating the prohibition law. Twenty-one persons have been killed and 6 seriously wounded by customs officers.

UNITED STATES COAST GUARD

The records of the United States Coast Guard disclose the names of 4 guardsmen killed, 3 seriously wounded, and 5 persons killed and 4 seriously wounded, some in gun battles and others while at sea by machine-gun fire, and so forth. Many others have been killed in automobile accidents, shipwrecks, and in other ways all of which can be charged to the enforcement of the prohibition law.

This great sacrifice of human life within our own border in attempting to enforce but one lone law is enough to warrant a most extensive study of this serious subject.

It can be greatly lessened by having the several departments of the Government issue strict orders condemning the use of firearms except in self-defense and for the protection of Government property; by turning over to the State authorities all those who disregard these orders; by granting the several States the police powers which the Constitution intended should be theirs; by modifying the Volstead law.

I am transmitting to the Rules Committee this report of killings which I received from the various department and bureau heads as an appeal for their approval of my resolution which, if adopted by the House, will create a committee to

investigate this matter to the end that the promiscuous use of deadly weapons shall cease and that human life will be protected on our highways. The use of guns by Federal agents should be limited to be used only for the protection of Federal property and in self-defense.

Mr. CRAMTON. Will the gentleman yield?

Mr. MEAD. At the end of my time I shall be pleased to yield to the gentleman.

In going through the records I found that not one of the agents of our Federal Government who were accused of killing our citizens has ever been found guilty of murder. The Federal Government, through its district attorneys, has placed the protecting shield of the Government around these men and they were not turned over to the local authorities for trial. In many instances the Federal attorney whose duty it is to represent the people represented the agents who were charged with the shooting, which in some cases was wholly unwarranted and unjustifiable.

I have the list before me of the agents and persons who were killed, but I shall not detain you by reading it; it is a very long list.

I will, however, include it with my remarks for the information of the Members of the House.

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

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

Mr. CRAMTON. Reserving the right to object, I would like to make one short observation.

Mr. MEAD. If I am given time, I shall be very glad to yield to the gentleman.

The SPEAKER. Is there objection?

There was no objection.

Mr. CRAMTON. I may simply suggest that in order to be effective in the interest of law, the gentleman will need to join some sort of an effective pronouncement to the bootleggers and rum runners to see that they also discard their armament, which on the border waters includes armored vessels and automatics.

Mr. MEAD. Let me say to the gentleman that the specific case in which I am interested is the brutal shooting on the part of a Coast Guard man of the secretary of the Niagara Falls Lodge of Elks, a splendid gentleman, who was returning to his home after a meeting of his lodge, in violation of no law or ordinance or regulation, and without warning two guardsmen dressed like bandits pounced upon him on the public highway and shot him through the head, putting out his eyes, fracturing his skull, and perhaps fatally wounding this innocent citizen. It is cases like this that I am concerned with.

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

Mr. MEAD. Yes; I yield to my colleague.

Mr. BLACK of New York. Has the gentleman ever heard of any bootleggers killing any citizen except with the poison they get from the Prohibition Bureau?

Mr. MEAD. I was one of the Members of Congress who tried to take the poison out of liquor, but, with my colleague, we failed in our effort when that legislation was before the House. I hope the Rules Committee will vote out this resolution, and in the interest of humanity I trust the House of Representatives will inform our Federal agents that, above and beyond the enforcement of the Volstead law, we hold the inalienable rights of our citizens supreme. The provisions of the Constitution which guarantees life, liberty, and happiness to our people antedate the Volstead Act. [Applause.]

List of persons killed or fatally injured by prohibition officers from the effective date of the national prohibition act, January 16, 1920, to May 15, 1928:

1920

Ernest E. Emily, West Forks, Wash.

1921

Horace Brown, Baltimore County, Md.
Robert Fuller, Knox County, Tenn.
Johnnie Garrett, Taylor County, Ga.
R. W. Hederly, Portland.
Bud Riley, Green County, Okla.
Louis Vokovich, Madison, Ill.

1922

Ward Adkins, Lincoln County, W. Va.
Lonnie Atwell, Huntington, W. Va.
Peeler Clayton, Austin, Tex.
Teddy Cox, Moore, Ark.
Joe Duncan, Spruce Pine Creek, Tenn.
Boe Fugate, Knott County, Ky.
Steve Isom, Letcher County, Ky.
Bruce Kirby, Jeff Davis County, Ga.
Arlett Kiser, Dickenson County, Va.
Chalmers McAlphine, Cleburne County, Ala.
Willie Nelson, Harpersville, Va.
Bruno Nistico, Syracuse, N. Y.
Joseph Sesqueria, Boston, Mass.
Francis Marion Smith, Nelson County, Ky.
Clarence Sturges, Learned, Miss.
Curtis Tidmore, Jefferson County, Ala.
John Wilson, Lauderdale County, Miss.
Julius Wurzer, Antigo, Wis.

1923

Harry Baker, Louisville, Ky.
Bob Ballard, Lexington, Ky.
Edgar Bunch, Ashland, Ky.
Smokey Cash, Sand Springs, Okla.
Jess Coffey, Muscadine, Ala.
Zategosa DeLeon, San Antonio, Tex.
Doughlas Dunham, Salisbury, N. C.
Harry Givens, Orlando, Fla.
Arthur Hood, Lunenburg County, Va.
James Jenkins, Charleston, S. C.
Posey Maddox, Fayette, Ala.
John Rinnberg, Belleville, Ill.
J. B. Smith, White Plains, Ga.
Jett Smith, White Plains, Ga.
Ike Strong, Harlan, Ky.
George Strong, Harlan, Ky.
Mrs. Ike Strong, Harlan, Ky.
Albert L. Swope, Butler County, Ohio.
T. Q. Wallace, Irvine, Ky.
Fredius Wilson, Galveston, Tex.
Peter Yancaukas, Philadelphia, Pa.

1924

Bradley Bowling, Yerkes, Ky.
Grover C. Bradley, Littleston, N. C.
James Cafano, Newark, N. J.
Ira Combs, Hazard, Ky.
W. D. Hicks, Galveston, Tex.
Philip Kalb, Lambertsville, Mich.
Bill Littrell, Virginia.
Ralph Marchese, New Orleans, La.
Guy Meadows, Hinton, W. Va.
Thomas Monteforti, Brooklyn, N. Y.
Elisha Northcutt, Anderson, Ind.
Alducci Sabatino, Wilmington, Del.
Sylvester Strictland, Vivian, La.
Ernest Twombley, DeKalb Junction, N. Y.
James S. White, Castella, Calif.

1925

Leslie Britt, Southampton County, Va.
Pres Brown, West Plains, Mo.
Joe W. Carter, Mississippi County, Ark.
Beckham Cecil, Beardstown, Ky.
George Clark, Whitley County, Ky.
Hiram Fee, Harlan County, Ky.
Marcus Ferrell, Raywick, Ky.
Francis Fontaine, Union County, S. Dak.
Houston Harris, Careyville, Fla.
Clarence Jones, Hot Springs, Ark.
John Kelly, Newport News, Va.
Bee Lilly, Beckley, W. Va.
Fred Mauney, Lenois, N. C.
Charles Mills, Monroe County, W. Va.
Dave M. Orr, Ora Grande, N. Mex.
J. G. Pittman, Charleston, S. C.
Filmore Sexton, Scott County, Tenn.
Jim Sneed, Roderfield, W. Va.
L. E. Storey, Cottonwood Corners, Ark.
Leon M. Sweat, Polk County, Fla.
Carl Thornes, Britton, Okla.
Bill Tilghman, Cromwell, Okla.
Albert R. Van Sickle, Laramie, Wyo.
Lawrence Wenger, Madonna, Md.

1926

Jose Alverdi, Reno, Nev.
Adam Ballinger, Greenville, N. C.
John Buongore, Havre de Grace, Md.
Jacob Carter, Jacksonville, Fla.
John Danley, Tazewell County, Va.
Stephen Kobalski, Detroit, Mich.
Henry Nestor, Ludlow, Ky.
William Risk, Teller County, Colo.
Frank Sears, Hopkins County, Ky.
Homer Studivant, Duvall County, Fla.

Rondo Wade, Owensboro, Ky.
J. B. Walling, Orange County, Tex.
Elvin Wilson, Mt. Sterling, Ky.

1927

J. A. Brinson, Miami, Fla.
Algie Carrier, Amite, La.
Lawton Carroll, Valdosta, Ga.
F. M. Ferguson, Huntington, W. Va.
Oliver Gill, Lake View, Miss.
Lewis Gregory, Graveltown, Ky.
James Thomas Hall, Elmore County, Ala.
Wade Hampton, Mobile County, Ala.
J. J. Howard, Madison County, Miss.
E. P. Ingmire, San Pedro, Calif.
Millard Jamerson, Pontotoc County, Miss.
Thomas Johnson, Pensacola, Fla.
James Lee, Detroit, Mich.
Mildred Lee, Detroit, Mich.
Walter Lorance, Coffee County, Tenn.
Cecil McClure, Cherokee County, N. C.
M. P. Merritt, Miami, Fla.
Burrell Morris, Berkeley, Calif.
William Niedermeier, Huron River, Mich.
Clyde Parrish, Miami, Fla.
Jeff Pitts, Wesson, Miss.
Alex Tidwell, Hardin County, Tenn.
Mack Turner, Mobile County, Ala.
Arnold Wise, McDowell County, W. Va.

1928

Elmer Fulton, Pikcher, Okla.
Charles P. Gundlacht, Leonardtown, Md.
Lee Prudman, Julius, Ark.
Douglas Smith, Louisville, Ky.

Federal prohibition and narcotic enforcement officers who have been killed or fatally injured while actually on raids from the effective date of the national prohibition act, January 16, 1920, to May 15, 1928:

PROHIBITION OFFICERS

Robert G. Anderson, Hammond, Ind.
Stafford E. Beckett, El Paso, Tex.
Charles Bintliff, Redfield, S. Dak.
James E. Bowdoin, Careyville, Ind.
Jacob P. Brandt, Perry, Fla.
Remus W. Buckner, Springville, Ala.
Atha Carter, Palisade, Nev.
D. S. Cleveland, Meridian, Miss.
William E. Collins, Vinton, La.
E. Guy Cole, Lexington, Ky.
M. M. Day, Welch, W. Va.
W. D. Dorsey, White County, Ga.
Robert E. Duff, Menifee County, Ky.
Howard N. Fisher, Titusville, Va.
Joseph W. Floyd, Houston, Tex.
Kirby Frans, Perry, Okla.
Cary D. Freeman, Titusville, Va.
V. E. Grant, Hendersonville, N. C.
Jacob Green, Richton, Miss.
Richard Griffin, Gadsden, Ala.
Charles E. Howell, Limestone County, Ala.
R. W. Jackson, Taylor County, Ga.
Jesse R. Johnson, Saline County, Ark.
Thomas D. Lankford, Springfield, Ill.
W. T. Lewis, Lafayette, N. C.
Howell J. Lynch, Gainsborough, Tenn.
Walter C. Mobray, Perry, Fla.
John L. Mulcahy, Westford, Mass.
George Nantz, Walnut Grove Camp, Ky.
John O'Toole, San Francisco, Calif.
Joseph B. Owen, Kosciusko, Miss.
William Frank Porter, Camp Creek, W. Va.
Glenn H. Price, New Grand Ronde, Oreg.
J. H. Reynolds, Johnson County, Ky.
J. M. Rose, Asheville, N. C.
Charles C. Rouse, Baltimore, Md.
Willis B. Sayler, Pineville, Ky.
Irby U. Scruggs, Knox County, Tenn.
Charles O. Sterner, St. Louis, Mo.
George H. Stewart, Buffalo, N. Y.
Grover Todd, New Grand Ronde, Oreg.
Ernest W. Walter, Mexican border, Texas.
John W. Waters, Dade City, Fla.
Stanton E. Weiss, Oklahoma City, Okla.
John Watson, Anthony, N. Mex.
George H. Wentworth, Berkeley, Calif.
J. Leroy Youmans, Hartman, S. C.
Wesley A. Frazer, St. Paul, Minn.
Walter R. Tolbert, Harlem, Ga.

NARCOTIC OFFICERS

Charles A. Wood, El Paso, Tex.
James T. Williams, Chicago, Ill.

By fiscal years

Year	Prohibition	Narcotic
1920	1	
1921	10	1
1922	5	
1923	13	
1924	2	
1925	5	1
1926	4	
1927	5	
1928	4	
Total	49	2

Grand total, 51.

LIST OF PERSONS KILLED OR WOUNDED BY COAST GUARD

May 28, 1924: Daniel Conover, Atlantic City, smuggler, killed at Atlantic City. Refusal to heave to.

August 22, 1924: Antonio Pietro. Killed in a running fight. Was master of *Lynx II*. Off Seabright Station. A smuggler.

October 24, 1924: "Swampy" Joyce, a smuggler on the *K–13093*. Off New York. Refusal to heave to.

February 24, 1926: "Red" Shannon. Wounded fatally in Miami Bay. Attempting to run down Coast Guard boat.

July 16, 1926: L. E. Yott, a smuggler on the *1510–Q*. Refusal to stop (Lake Ontario).

March 14, 1927: E. H. Jones. Killed in a fight off Miami on the *V–15746*.

April 7, 1927: Charles Waite and a negro named "George." Killed in a fight on board a picket boat. Waite attempted to kill the crew of the Coast Guard vessel. Off Miami, Fla.

May 20, 1927: Norman Rice stated that he had been wounded in the arm while trying to run in contraband (near Buffalo, N. Y.). Wounded only. Origin of shot doubtful.

December 14, 1927: Alfred Raymond, a smuggler, wounded in right arm. (Marblehead Station, Lake Erie). Wounded only.

LIST OF COAST GUARD MEN KILLED OR WOUNDED

April 2, 1925: C. B. M. Carl Gustavson, of *CG–237*, killed at the wheel of his vessel while at sea by machine-gun fire; off Montauk Point, Long Island.

August 7, 1927: Boatswain Sanderlin, of *CG–249*, killed 35 miles off Florida coast.

August 7, 1927: Mo. M. M. 1c Victor Lamby, of *CG–249*, killed 35 miles off Florida coast.

August 7, 1927: Robert K. Webster, Secret Service operator, on *CG–249*, killed off coast of Florida.

August 7, 1927: Seaman J. Hollingsworth, of *CG–249*, desperately wounded, off coast of Florida.

December 14, 1927: J. T. Hagglove, B. M., picket boat *2372*, wounded in buttocks. Lake Erie.

April 20, 1928: Seaman H. A. Hutchenson, wounded in left leg (shot) on Fisher Island, Miami, Fla., in assault made by unknown negro and white man.

IMMIGRATION OFFICERS KILLED

Frank H. Clark, El Paso, Tex., December 13, 1924.
August D. De La Pena, Rio Grande City, Tex., August 3, 1925.
William W. McKee, Alambee Ranch, Tucson, Ariz., April 23, 1926.
Lon Parker, Huachuca Mountains, Ariz., July 25, 1926.
Thad Pippin, near El Paso, Tex., April 21, 1927.
Norman G. Ross, El Centro, Calif., February 10, 1927.
Franklin F. Wood, Detroit, Mich., December 15, 1927.

Customs officers killed and wounded

KILLED

Name	Headquarters port	Date
Edward B. Webb	Ogdensburg, N. Y. (supplies and accounts service).	Sept. 9, 1926
Fred Tate	San Antonio, Tex	Aug. 31, 1918
Robert S. Rumsey, jr	do	Aug. 19, 1922
Jot G. Jones	do	Oct. 1, 1922
Jas. A. Wallen	do	Mar. 6, 1923
Stephen S. Dawson	El Paso, Tex	Feb. 28, 1928
Orville A. Preuster	Buffalo, N. Y	Mar. 1, 1925
John W. Parrott	El Paso, Tex	Jan. 7, 1927

Customs officers killed and wounded—Continued

WOUNDED

Harry Goodrow	Ogdensburg, N. Y	Mar. 17, 1921
Henry Denner	do	Oct. 11, 1924
Dick W. McConnell	San Antonio, Tex	Apr. 29, 1922
D. P. Miller	Los Angeles, Calif	Apr. 9, 1923
John J. Edds	San Antonio, Tex	Sept. 4, 1916
A. H. Camp	do	Mar. 21, 1924
Harry B. O'Neill	do	Jan. 20, 1927
Don E. Snedon	Ogdensburg, N. Y	July 13, 1926
Alfred J. Smith	do	Do.
Joe E. Davenport	El Paso, Tex	Feb. 25, 1921
Grover C. Webb	do	May 18, 1922
Thos. S. Morriss	do	Do.
Chas. P. Beall	do	July 8, 1926
Leon L. Gemoets	do	Dec. 30, 1926
Carl Peterson	Nogales, Ariz	May 15, 1925
Marshall McDonnell	do	Mar. 14, 1921
F. L. Marin	San Juan, P. R	Dec. 3, 1926

Persons killed and wounded by customs officers

KILLED

Name	Headquarters port	Date
John Brissette	Ogdensburg, N. Y	Nov. 23, 1922
Dionisio Maldonado	San Antonio, Tex	Apr. 1, 1920
Vicente Aguilai	do	Do.
Crecencio Oliveida, jr	do	Do.
Antonio Munoz	do	Dec. 12, 1920
Unknown	do	Apr. 29, 1922
Geronimo Garcia	do	Dec. 18, 1922
Silvando Gracios	do	Do.
Leando Villareal	do	Do.
Teodulo Robles	do	Sept. 4, 1916
Pedro Marinez	do	Apr. 8, 1923
Manuel Maldonado	do	Do.
Unknown	do	Jan. 21, 1927
Harry Booth	Tampa, Fla	Aug. 11, 1927
Jesus Castaneda	El Paso, Tex	Apr. 8, 1924
Eduardo Varela	do	Apr. 30, 1924
Mrs. C. Andavaso	do	Sept. 11, 1924
Cruz Pinales	do	Mar. 30, 1927
Mr. Lyons	Nogales, Ariz	Nov. 20, 1922
Ventura Reyna	do	May 15, 1925
A. H. Hendricks	Los Angeles, Calif	Jan. 8, 1923

WOUNDED

Joe Slavin	San Antonio, Tex	Dec. 12, 1920
Deodato Flores	do	Do.
Unknown (2)	do	Jan. 21, 1927
Unknown	Nogales, Ariz	Nov. 20, 1922
Jose Reyna	do	May 15, 1925
William Royer	Great Falls, Mont	June 29, 1926

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to proceed for three minutes on an entirely different subject, although this is tempting. [Laughter.]

The SPEAKER. The gentleman from Michigan asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

REPRESENTATIVE NICHOLAS J. SINNOTT

Mr. CRAMTON. Mr. Speaker, the House is about to lose, by voluntary retirement to take up other important duties, the services of the gentleman from Oregon [Mr. SINNOTT]. He has had a distinguished career here—has performed unusually valuable service to his country. I believe, however, that time will show that nothing he has been able to do in the service of his country in this House will be of more lasting benefit than his friendship toward the development of the national parks. The National Park Association has recently issued a public statement of their appreciation of his services, which I will ask to have read in my time.

The Clerk read as follows:

NATIONAL PARKS ASSOCIATION,
Washington, D. C.

After nine years of distinguished service, NICHOLAS J. SINNOTT, of Oregon, has resigned his chairmanship of the Public Lands Committee of the House of Representatives to accept life appointment as judge in the United States Court of Claims. He will retain his place until the close of the present session, completing his fifteenth year in Congress.

As chairman of the Public Lands Committee, Judge SINNOTT has made a record equal to any of the men of great distinction and service to the Nation who have filled this most important position in past years, meeting the many difficult issues and trying situations of a period of clashing interests with unfailing tact, humor, justice, and decision. A man of national vision as became his position, he has been able also keenly to appreciate the local point of view.

More than to any other Member of Congress, to him the country is indebted for the preservation of national park status and standards during the years of the system's supreme trial. * * * His name will stand in the first rank of the shapers, upbuilders, and defenders of a system which, preserved in its integrity, posterity will recognize as one of the Nation's most valuable possessions of any kind.

[Applause.]

CIVIL SERVICE RETIREMENT LAW

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Federal employees' retirement act.

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

There was no objection.

Mr. ZIHLMAN. Mr. Speaker, the civil service retirement law has been in operation since May, 1920. When the law was passed it was understood by all parties interested that it was far short of what it should be. Since that time there have been several minor amendments but the law is not yet as broad and comprehensive as we have a right to expect.

There is now pending before the House, on the calendar, two bills—H. R. 25 and S. 1727—which propose to amend the law to provide for a maximum annuity of twelve hundred dollars, or an average of something like eight hundred per annum—changing the divisor from 45 to 40.

Under the Senate bill there is an option of two years for each group—that is, employees who retire at 70 years of age would be allowed an option at 68, provided the employee had 30 years of service; those that retire at 65 on account of age would have an option at 63, and those that retire at 62 would be allowed to retire at 60.

The House bill (H. R. 25) provides for optional retirement at 60 years of age for all groups, which is the better plan, yet this plan is much more expensive than the Senate bill. The House committee has agreed to substitute the Senate bill for the House bill, and it should be brought up and passed.

There are more than 400,000 employees in the Government service that come within the purview of the law. There are now more than 14,000 on the retirement roll. Employees pay into the retirement and disability fund 3½ per cent of their salary, which amounts to around $28,000,000 annually. More than 6,000 of those retired have died, due for the most part to the advanced age of the employees when they have reached retirement.

There is now in the retirement and disability fund around $80,000,000, this fund having grown by leaps and bounds, beyond all expectations.

The Department of Labor has recently made a survey of all the principal retirement systems throughout the world, including many systems in the United States. This information has been submitted to the Civil Service Committee of the House and Senate, and shows plainly that our retirement law is very far behind in many respects to what many other systems provide.

I believe that every Member is in favor of this legislation, and the House should act on this matter without further delay. It is a most worthy measure, and I hope that the bill will be brought up and passed before the end of the session.

I have talked with representative leaders of the House, including members of the steering committee, and they advise me that the question of a special rule for consideration of this legislation will be taken up at a meeting of the Rules Committee to be held on next Tuesday, the 22d instant. I sincerely hope that the committee will give this meritorious legislation privileged status in the House and enable us to take favorable action and do justice to the thousands of Government employees who will be affected by the provisions of this bill.

PANAMA CANAL MEMORIAL

Mr. THATCHER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill H. R. 13706.

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

There was no objection.

Mr. THATCHER. Mr. Speaker and Members of the House, I desire to call your attention to a bill which I have introduced, H. R. 13706, providing for the construction of a Panama Canal Memorial to commemorate the work of those who have aided in the construction of the Panama Canal.

The purposes of the bill are fully explained in the bill itself, and for this reason the measure is herewith set forth as follows:

A bill to provide for the construction of the Panama Canal Memorial

Be it enacted, etc., That a suitable memorial, to be known as the Panama Canal Memorial, be constructed in the Canal Zone in commemoration of the work and labors of all those who, and of all agencies which, in varying capacities and at various periods, aided in

the construction, or in bringing about the construction, of the Panama Canal, and of the works necessary or incident thereto.

SEC. 2. For the purpose of carrying out the provisions of this act there is hereby created a commission to be known as the Panama Canal Memorial Commission—hereinafter referred to as commission—to be composed of seven members, as follows: The chairman and the ranking minority member of the Senate committee on Interoceanic Canals, the chairman and the ranking minority member of the House Comittee on Interstate and Foreign Commerce, the Secretary of State, the Secretary of War, and one person to be selected by the President of the United States. If, for any reason, the chairman or the ranking minority member of either of said committees of Congress should fail or refuse to serve as member of the commission, the affected committee shall select another of its members to serve instead. All of the members of the commission, except the member selected by the President, shall serve without compensation; but they shall be reimbursed for their actual, necessary traveling and other expenses incurred by them in performing their duties hereunder. Notwithstanding the expiration—during the life of the commission—of any Congress, any Senator or Representative who is a member of the commission, if reelected, shall continue to serve on the commission until there is selected on the affected committee a successor to such Senator or Representative. The member of the commission to be selected by the President shall be well versed in the history of the Canal Zone, the Panama Canal, and the Isthmus of Panama; he shall serve at the pleasure of the President; he shall be the executive officer of the commission; and shall receive a salary to be fixed by the President, of not exceeding $10,000 a year, and his actual, necessary traveling expenses while engaged in the performance of his duties, together with reasonable expenses for living quarters while engaged in the performance of his duties in the Canal Zone. In case of any vacancy on the commission, the same shall be filled in the same manner as in the original selection. The commission shall designate one of its members as its chairman, and shall also have the power to select a secretary of the commission and to fix his compensation.

SEC. 3. It shall be the duty of the commission to make or to cause to be made, plans, designs, and specifications for a comprehensive and suitable memorial for the purpose herein indicated, which memorial shall be in the form of a building or structure of appropriate design, and containing a hall or auditorium adequate for the holding therein of meetings, conventions, and gatherings of civic, patriotic, and international character, including Pan American congresses. Such memorial may be appropriately adorned and embellished with statues, sculpture, tablets, carvings, paintings, drawings, and frescoes of commemorative character, or historic design, and with depictions of events incident to the history of the Panama Canal, including the French, as well as the American period, and of the Panama Railroad and the Isthmian region. There shall also be provided in such memorial structure space for the placing therein of archives, histories, records, maps, charts, and models relating to the construction and operation of the Panama Canal, the Panama Railroad, and the discovery, settlement, and occupation of said Isthmian region. Said memorial structure shall be placed on a site in the Canal Zone to be furnished by the United States or the Panama Railroad Company without charge upon the appropriations herein authorized; and said site shall be selected by the commission, subject to the approval hereinafter indicated. The grounds of the memorial and the approaches thereto shall be treated so as to enhance the artistic effect of the whole.

The commission shall also secure estimates of the cost of the construction of the memorial and the furnishing of same, and the treatment thereof, and of the grounds and approaches; and, so soon as may be practicable, the commission shall report and submit to the President and to Congress such plans, designs, and specifications, together with its recommendation of a site, and such estimates of cost, not to exceed in the aggregate sum, $2,500,000. Thereupon, if and when such plans, designs, and specifications, together with such recommendation of site, and such estimates of cost, shall be approved by the President and Congress, the construction of the memorial and of the works incident thereto, under the appropriations which may be made therefor, shall begin, and shall proceed with all diligence to completion under the supervision and direction of the commission.

SEC. 4. In the performance of the duties herein imposed the commission shall have the power and authority, within the limits of appropriations provided, to (a) employ personal services in the District of Columbia, in the Canal Zone, and elsewhere, including a chief architect, artists, architects, engineers, and assistants, and other professional and nonprofessional services, notwithstanding the civil service laws and regulations, and to fix the compensation of such persons, notwithstanding the provisions of the classification act of 1923, as amended; (b) to purchase any plans, designs, specifications, material, equipment, and accessories as may be deemed necessary or essential; (c) to enter into all contracts and arrangements necessary for the construction of the memorial and of the various features thereof, after the plans, specifications, designs, site, and estimates of cost therefor have been approved as aforesaid; and (d) to avail itself of the services and advice of the Commission of Fine Arts created by the act of May 17, 1910.

SEC. 5. The commission shall also make a study of the subject of the names and designations of the important points and features of the Panama Canal and the Canal Zone, and shall make to the President and Congress such recommendations thereon, or touching any matter related to the matter of memorialization herein provided for, as it may deem appropriate or desirable.

SEC. 6. Such appropriations and contract authorizations as may be required for carrying out the purposes of this act, within the aforesaid limit of $2,500,000, are hereby authorized; and the appropriations made in pursuance hereof shall be disbursed by the disbursing officer of the War Department, under the direction of the commission.

SEC. 7. Upon the completion of the memorial and the works incident thereto, and upon the final settlement of the accounts in connection therewith, the commission shall cease to exist. The books and accounts of the commission, and of all others who may handle any of the funds relative to the work herein authorized, shall at all times be open to the examination of the Comptroller General.

SEC. 8. Upon its completion the memorial, the grounds thereof, and the approaches thereto shall be cared for and maintained as are other public structures, grounds, and ways in the Canal Zone.

SEC. 9. In order that the commission may begin the performance of its duties hereunder there is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, the same to become immediately available, the sum of $250,000.

From the provisions of the bill it will be noted that the work of citizens of the United States who aided in the construction, or in bringing about the construction of the great Isthmian waterway, will receive, in the very nature of the case, major consideration in the proposed memorial; yet, the very valuable contribution made by the French in beginning and carrying on, for years, the construction of the canal, under insuperable difficulties; and the aid and cooperation of many prominent Panamanian officials and citizens—especially in the earlier stages of the American undertaking—should also receive appropriate recognition. Furthermore, the importance of the Panama Railroad as a contributing factor of success in the canal work should be recognized in some adequate way in any monument of the indicated character. Hence, the provisions of the bill are sufficient to permit fitting recognition of all persons and agencies entitled, in justice and in fact, to commemorative recognition in the proposed memorial. The commission created by the bill will be expected to formulate, after mature consideration, plans which will cover the various features appealing for commemorative treatment, and which, in just and discriminating manner, can provide the proper emphasis and distinctions involved.

In the accomplishment of the Isthmian enterprise, the greatest industrial endeavor the earth has ever known, and in which so many able statesmen, engineers, sanitarians, and civilians of our own and other countries played such an important and indispensable part, it would hardly seem fair to single out a few of the eminent contributors to the success of the work and omit any commemoration of the invaluable contributions of all others. A great memorial of the character authorized by the bill would avoid any narrow or piecemeal treatment of the subject, and would insure broad, generous, fair, and adequate recognition for all concerned.

The structure authorized would constitute a collective memorial to "all those who, and of all agencies which"—in the language of the bill—"in varying capacities and at various periods, aided in the construction, or in bringing about the construction, of the Panama Canal, and of the works necessary or incident thereto."

This would seem to be the only way to treat the subject of commemoration in a just and adequate manner. Manifestly there are not enough names of important features of the canal to meet all the requirements of commemoration. Moreover, Mr. Speaker, I very much doubt the wisdom of changing the historic and traditional names of the canal and the Canal Zone for commemorative purposes, even if there were a sufficient number of these names for such purposes. The nomenclature of the canal and the Canal Zone is woven into the very fabric of the history of the canal, the Canal Zone, and the Isthmus itself; and it is known throughout the civilized world. Any change in it would be, therefore, confusing, at home and abroad, both now and in the years to come.

The work of those whose services have been of a commanding character, can be sufficiently stressed in the matter of memorialization by means of statuary, sculpture, tablets, and the like. The work of groups and agencies in relation to the canal enterprise can be commemorated by appropriate panels, bas-reliefs, and group designs and depictions. In this connection I would call especial attention to the indispensable contributions to the success of the canal work made by thousands of laborers who,

beginning with the construction of the Panama Railroad in the period from 1849 to 1855, and closing with the completion of the canal itself, in 1914, in one form or another, literally gave their lives to the "cause," and who constitute the unnumbered and nameless dead of the Isthmus. To-day their graves, because of their lack of identity, are those of the "unknown" industrial soldiers of this unparalleled achievement of history.

The commemoration of the labors of these lowly, unnamed workers presents a subject worthy of the highest dramatic art. Let us memorialize their work as well as that of the eminent and highly skilled whose names and achievements have been specifically incorporated into the history of the canal.

In an undertaking of such vast import as was the construction of the Panama Canal there was glory enough for all, and in any endeavor to commemorate the toil and efforts of those who, in whatever form, made their contributions toward the success of this undertaking, there should be no invidious distinctions. In the proposed memorial and in its treatment, due appraisal may be made touching the value of the contribution of each, and comparative values determined.

"The land divided, the world united," has been the motto of the American Panama Canal enterprise. The proposed memorial would constitute a further appeal, I believe, though in an incidental way, for peace and good will among the nations. Planned and constructed so as to constitute a great work of art as well as a great work of memorialization, giving due recognition to the various factors contributing to the success of the Isthmian undertaking, regardless of race or nation, the effect would, I am sure, be most fortunate from every standpoint.

The Panama Canal has more than justified every hope and desire indulged by our people during the period of its construction. From a purely commercial standpoint—aside from its incalculable military value—it has been a splendid success, its operation paying the heaviest dividends on the three hundred and seventy-five millions of outlay involved in its construction. Beginning with the building of the Panama Railroad—one of the greatest agencies utilized in the canal work—and coming on down through the period of the French effort, 1880 to 1904; thence extending through the early days of the American work on the canal, 1904 to 1907–8, when, under the sanitary genius of Gorgas and his associates, the Isthmian plague spot was redeemed and rendered wholesome and habitable, a terrific toll of death was exacted of the hosts who participated in these Isthmian labors.

Commencing with the discovery of the Isthmian shores by Columbus, following with the discovery of the Pacific Ocean by Balboa; thence descending through the centuries of colonization and occupation by the Spanish, on through the days of Panama Railroad construction and the discovery of gold in California, with the resulting trans-Isthmian travel; thence through the years of the French effort, down to the final hour of American success and the uniting of the two great oceans—the Isthmus of Panama has had an intensely dramatic and interesting history. In view of all this, in view of the commercial success of the canal, as well as in view of the wisdom and justice of commemorating in an impressive and adequate manner the work of all those whose toil and sacrifice, in whatsoever form, made possible the success of the greatest engineering feat of the ages, it would seem that our great and powerful Nation should now erect in the Canal Zone, on some appropriate site, a great memorial structure of the character authorized in this measure. It is believed that at last the time is ripe therefor and that the American people will approve the action of Congress in enacting the necessary legislation involved.

Because of the importance and magnitude of the memorial project, it has been deemed wise for Congress and the President to approve the plans for the proposed memorial to be evolved by the commission, and the bill so provides.

For the reason, Mr. Speaker, that the present session is about to close, the bill will have to go over until next session for hearings thereon and for consideration. In order more effectively to place the matter before the Congress and the country at large I have thus presented it.

REPEAL OF THE EIGHTEENTH AMENDMENT

Mr. IGOE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on House Resolution 155.

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

There was no objection.

Mr. IGOE. Mr. Speaker and Members of the House, in behalf of joint resolution (H. J. Res. 155) introduced by me before this House on January 10, 1928, calling for action toward the repeal of the eighteenth amendment to the Constitution, and its futile but alleged enforcement appendage, the Volstead Act, I desire again to sound the warning that this Congress in years to come will be branded as down-right traitorous if it fails to obey a foremost duty and deal forthright and honestly with the curse of prohibition. No other scourge so vitally affects the welfare of our people, the institutions of our country, and the very foundations of our Government. Various sections of our land have suffered from disaster in recent years, notably the Mississippi Valley from the flood that wrung the hearts of all our people and brought all to the fore as soldiers of relief. But this tormenting terror of unenforceable, crime-creating, graft-breeding, murder-inciting, life-destroying prohibition is one that scars every city, town, and hamlet with its trail of moral and physical destruction.

There are those fanatics of aridness who believe that the Volstead Act and the prohibition amendment are so invested with morality that opposition to them is immoral. But such reason-bereft zealots, measured by the blackness of the crime and graft horrors of almost a decade of prohibition that does not and never can prohibit, must be dismissed as beset with the madness of lunacy. Those who find that such fanaticism pays, as it does many, in dirty dollars, must be credited with the cunning of wolves. Their dead or distorted brains will not register the truth as to national conditions, whether in town or country, or else they deliberately find such uncompromising attitude coins graft dollars. If of the former class, they are due for a cataclysmic awakening or the junk heap of the smallest of minorities; if of the latter, their grafted dollars—of the same breed but fouler than the graft of the bootlegger who scoffs at the law—are to turn to so many serpents.

PROHIBITION THE ENEMY OF TEMPERANCE

I give place to no one in my sincere desire for true temperance throughout our Nation. I believe that the vast majority of our people are for temperance and are eager to support and to obey laws that will promote it. Business, too, desires temperance. Business has become too big, too complex, to tolerate anything but temperance. The church also pleads for that temperance which will stamp out the crime, the graft, the horror of prohibition that can never prohibit. But these fanatics of Volsteadism are the very instruments of the devil in their efforts to block true temperance and its beneficences.

The aborted, saneless slant of the dry fanatic is the fruit of intolerance, and intolerance is the devil's own tool. A glance back through the ages, and we find history's highway strewn with the wrecks of great and cultured democracies and republics. The decadence that finally overwhelmed them is clearly marked in each case. It invariably started with a centralization of power, out of which grew the impulse of intolerance—the attempt of the state, or government, or dictatorial cliques to interfere in the personal and inalienable rights of human beings with respect to their home life and social relations. Then the people, resenting unpopular laws or mandates, were thrown into jails and deprived of their properties and liberties in a veritable reign of terror. But this stage, invariably, was followed quickly by general rebellion against, and contempt for, practically all laws, good or bad, with the usual accompanying moral breakdown; and in the end came collapse and dissolution of the state or government.

You can discover parallels to present threatening conditions in the United States in the decline of these various great democracies and republics of the past. Every student of the representative or democratic system of government knows that general statutory laws are not enforceable if they invade rights that by nature are not properly subject to sumptuary legislation. The laws against murder, theft, arson, and mayhem are enforceable because the people who delegate the law-making power universally and eagerly support such mandates. Outside that general realm of fundamental protection by law, every attempt at invasion of the inalienable rights of mankind, such as what it shall eat for dinner or what it shall wear on week days or what church it shall attend, for 2,000 years has evoked resistance, violence, disrespect for authority, and general lawbreaking; and, if persisted in, revolution and decay of the state and society, or a sweeping alteration of the provocative conditions.

Walpole, to cite one instance, laid down the rule many generations ago that Parliament could pass laws which the English people were not bound to respect because they violated the Englishman's right to be secure in his domicile.

PROHIBITION'S ALLY IS INTOLERANCE

Now, I hold no brief for any brewing or distilling organization. I am moved to enter this determined protest because the evils and terrors of prohibition have been vividly and positively proved by eight years of bitter experience. I speak because I am sincerely alarmed by the demoralization, crime, and corruption that Volsteadism is producing on every hand to the detriment of our people, our Government, and our country. I am

genuinely alarmed because of the frightful evils it has injected into the social, business, and political life of my home city, Chicago. And its effects have been the same in every other city, town, and hamlet.

You have heard of Chicago during past months, chiefly as to but one red-lettered phase of its activities. So has the whole world. Its beauty, its creation of new buildings, its encouragement of art and literature, its position as the very heart of the industrial and merchantile life of our Nation have been thrust aside. For what? To talk of its bombs, its bullets, its crime, its murders. We are not as bad as we are painted.

But that assertion does not alter the picture of Chicago that has been hung up for the world to view. What is the basis for that picture? To what is its every reeking red color due? To prohibition that never can prohibit! Its crime and its bombs, just as in the case of many other American cities, have sprung from prohibition! Its murders, as are the majority of killings in other American cities, are the fruit of Volsteadism—the result of the competition of gangs for the control of bootlegging, and the consequent involvement of officialdom in the graft for the protection which these law-breaking, law-defying, crime-dealing elements seek! Root out Volsteadism and prohibition, and you will rid not only Chicago but our national life, of this demoralization, law defiance, crime, graft, and corruption!

And what is the keystone of this crime and corruption? It is the intolerance of the fanatical minority that contends, in the face of eight red years of bloodshed and moral decay, that personal liberty shall be enchained because its blinded eyes can not see, its atrophied brain can not register, or because its dirty pockets get its share of the swag, whatever its form! This ferocious beast of intolerance—this determination to make the social habits of all conform to the narrow standards of fanatically minded even if allegedly well-meaning snoopers—has brought upon us a demoralization that promises only further degradation and destruction unless checked now.

PROHIBITION'S TOLL OF DEATHS

Deaths and crimes of violence, flowing out of poisoned alcoholic beverages whose tide continues to rise and never to fall, constantly are increasing under Volsteadism. Figures may be tiresome, but they talk volumes, nevertheless. In the last national survey announced by the Moderation League (Inc.) it was shown that in the 534 places recorded for the years 1920 to 1926 arrests for drunkenness increased 136 per cent in the latter year over 1920, the first year of national prohibition. The total in 1926 was 711,889. The directorate and membership of this organization included such Americans as Elihu Root, Austen G. Fox, Kermit Roosevelt, Dr. Joseph A. Blake, Newcomb Carlton, president of the Western Union Telegraph Co.; William Barclay Parsons, Henry S. Pritchett, president of the Carnegie Foundation for the Advancement of Teaching; William C. Redfield, former Secretary of Commerce; and James Speyer, banker. Surely such men will not be classed by dry fanatics, although probably the Great Creator can not know in His omnipotence to what lengths an Anti-Saloon Leaguer will go, as enemies of the public welfare. And this record covered but 534 of our thousands of cities and towns!

The number of deaths due to poison liquor, the universal distillation and brew of Volsteadism, is mounting steadily year after year. The fanatical drys chant hymns of praise of the "holy" eighteenth amendment and the "sacred" Volstead Act, but their intolerant machinations are filling up the cemeteries. In Chicago and Cook County the coroner's reports show that in 1927 there were 433 deaths due to alcoholism, along with 161 homicides and deaths by accident clearly due to Volstead alcohol. This total of 594 in that single county of Illinois is the ghastly record of 12 months of the Anti-Saloon League's brand of prohibition. The death rate from alcoholism in this my home county thus has increased 718 per cent since the enactment of the Volstead Act.

And what of other cities? Well, in New York City chronic alcoholism caused the death of 770 persons during 1927, making the rate the highest in 18 years. The total back in 1920 was 98. And so it goes, from one end of the country to the other Even over in Finland, where prohibition is having its hypocritical garments torn off, there were 87,191 persons arrested for drunkenness in 1927, including 2,516 women, out of a total population of 3,600,000. Helsingfors alone had an increase of 14 per cent. So prohibition works the world around. In our country, too, illegitimacy has trebled. These are not pleasant things to discuss, but they spell the situation we must face.

We no longer can play the "human-ostrich" rôle and hide our heads in the sand. The general disrespect for the eighteenth amendment and the Volstead Act has extended to practically all laws, until we have become a Nation of hypocrites and scoffers. Respect for constituted authority daily is becoming more feeble. The church has suffered. Colleges and schools have fallen under the baneful influence. Stability is deserting the very foundations of American institutions. All because of the unreasonable attempt to regulate our habits by law, to "make us good" by statute, to enforce a nonenforceable piece of resentment-provoking, sumptuary legislation.

PROHIBITION ENDANGERS OUR YOUTH

Every father and mother knows the danger that has been brought to our boys and girls in our schools. The aftermath of the World War brought, as is the natural legacy of war, a craving for greater liberty, particularly among the younger generation. But this was accentuated and perverted by Volsteadism. What has been the result? First, the older people quite naturally, denying to the Government the moral right to interfere in their personal habits, refuse to give to this nefarious law that obedience which invariably is accorded sound legislation. Men and women of exemplary character do not hesitate to violate this law daily in their business, social, and home life, because they do not feel that they are committing any crime by such determined indifference. They are actuated, in fact, by an echo of that spirit that caused the American Revolution.

These same American men and women can travel to Canada, to Mexico, to Cuba, to the countries of Europe, and there enjoy their beer and ale, and any stronger beverages desired, with the foremost educators, statesmen, churchmen, and the best of society's representatives in those countries. Such drinking, however temperately, becomes a crime only back home! Here only do the snoopers snoop! Further, when you enact a law under which a rich man can get what he wants and a poor man can not, merely because the rich man is rich, you are extending an invitation to the growth of the reddest phase of radicalism. Your prohibition that never can prohibit has but put a sky-high price on poisonous liquor. It has provided, at the same time, possibilities of grafting in hundreds of millions of dollars, by affording opportunities for official protection to the criminals who profit enormously from these conditions and who do not hesitate to resort to murder or any phase of crime in order to establish their monopolies and who are determined to supply at all costs, in view of the profits yielded, the natural appetites of those who desire to buy.

Our young people, keen and alert, see what a mess we have made of this whole matter. They follow the course of the elder scofflaws. But with them, to whom the glamour of life has not yet been dimmed, there is a peculiar psychology that combines the innate aspiration for personal liberty with the spirit of adventure. In former days our boys and girls never dreamed, as a class, of patronizing places where alcoholic beverages were dispensed. But Volsteadism of to-day, having given birth to an enormous traffic in illicit and poisonous "hip" liquors, shrouded as it is by the secrecy that shields its patrons and promoted by the tremendous money returns it make possible, naturally intrigues, attracts, and so often traps them.

The "hot" youth of to-day, following, perhaps, his parent's example, knows he, too, can conceal poisonous liquor "on the hip." It is held a "smart" thing to do. It smacks of adventure. He deduces that it gives him "class." He goes calling with his hip flask. The spirit of adventure goes with him and is communicated to his young girl friends. And with the liquor on his hip goes demoralization and a smashing of discretion—and the story is completed. This is not due to inherent badness. It has adult example. It has prohibition instigation. It is due largely to the secrecy that screens the escapades and to that innate spirit of adventure that is keen to challenge Volsteadean intolerance.

PATRIOTISM WAS PROHIBITION'S MASK

No one can deny that the eighteenth amendment and the Volstead Act got into our national life in the guise of patriotism. Our tens of millions of people, aflame with patriotic determination to win the World War, approved war-time prohibition firm in the belief that it was to be merely an agency for temporary conservation of grain resources to bring victory the quicker. There was raised, too, a great outcry against the breweries, and the charge was echoed that 80 per cent of the stock in all breweries was owned by Germans or people of German descent. Thus hate, the most dreadful enemy of mankind since the world began, entered into this matter, and the cry of "help end the war at any cost" became so loud that no legislator dared oppose any measure, no matter what it might be, if it was promulgated as a war measure. This particular psychology continued long enough after the armistice was signed, or was so cleverly perverted by prohibition schemers, for the same impulse to carry ratification through the necessary State legislatures.

What happened? While we all were working to help end the war and our finest young men were fighting and dying on

the battle fields of Europe the Anti-Saloon League and its allies, who shouted patriotism and preached for everyone to help win the war, but whose crafty leaders worked only for prohibition at healthy salaries, played politics with the Members of Congress, but not with the aroused people of the United States, with the one object of making war-time prohibition a permanency after the war. That is what was going on!

As soon as the armistice was signed President Wilson sought to end the war-time prohibition ban and to have Congress restore the country to pre-war conditions in so far as prohibition was concerned. But did prohibition's sponsors, who had simulated patriotism as their motive, assent to this? No; the paid dry leaders, with the aid of their millions of dollars and their political code of forcing compliance or ruin upon legislators—the same means and tactics they continue to apply to unworthy and spineless public officials to-day—obtained sufficient votes to defeat any repeal of war-time prohibition, and meantime had offered the eighteenth amendment to our Constitution, which took away the rights of the States in this matter and transferred that power to Congress. This was ratified by employment of the same threats and boodle on January 16, 1919, the Volstead alleged enforcement act was appended, and the trick was done.

President Wilson vetoed this Volstead measure, but Congress, obedient to its Anti-Saloon League masters, passed the bill over his veto. Whatever prejudiced critics may say, President Woodrow Wilson proved himself a stanch believer in the rights of the individual, and he fully realized that these acts were taking away the rights of the American people.

PROHIBITION PRODUCT OF DUPLICITY

In the rush of the aftermath of the cessation of war, little popular attention was paid to the eighteenth amendment. I am no proponent for the old-time saloon. Its delinquencies are upon its own head. But I do know, and the unprejudiced person must so admit, that the people generally believed that, even with the ratification of the eighteenth amendment, provision was to be made by Congress for those who desired to have alcoholic beverages in their homes. I know that hosts of representatives of the people, whether in Congress or in the various State legislatures, believed the same when they voted to ratify that amendment. In fact, that was the impression craftily held out by the dry forces at that time.

Why, even so-called "bone-dry" Kansas back in the old days, where even then prohibition was a failure, had no law preventing people having liquor in their homes. And of six States that went dry by vote of their people in 1916 and 1918—Arizona, Colorado, Montana, Oregon, Utah, and Washington—practically all made no penalty for possession of liquor in homes, or made provisions privileging citizens to send out of the State and have liquor sent to their homes. These six States, by the way, have about 4.2 per cent of the population of the United States.

In any event, the average legislator, whether State or National, voted for ratification of the eighteenth amendment, never dreaming that he was signing away his right and that of his people, to "life, liberty, and the pursuit of happiness," as guaranteed by our Constitution. As a matter of fact, the vast majority believed that, with our boys and the Allies victorious and war's upheavals subsiding, we would readily rewrite the regulations of prohibitoin to meet the wishes of the great majority—that, at the uttermost, those States desiring to remain dry could do so, and those contrary-minded could act accordingly. We were confident we would retain our proud position as a free people.

"Free people!" We found ourselves in bondage. We then fully realized how a group of professional "reformers" and fanatics took advantage of the people while our Nation was in the war, secured a strangle hold on the public's supposed servants, and forced these legislators to do their bidding. The mass of the American people had no voice in the whole proceeding, and that is why the aggressive protest and dissatisfaction over prohibition is climaxing. We are in the shackles of the Anti-Saloon League, its fanatics, and its hirelings who usually vote "dry" and live "wet," and who profit from its millions of bribing dollars! I declare here that the Anti-Saloon League is the foremost ally of bootlegging, with its crime, murder, graft, and governmental demoralization. It is a partner in the bullets, the bombs, and the lawbreaking of the bootlegging gangs!

KILLINGS MARK ATTEMPTED ENFORCEMENT

And what of the billions that our Federal Government has expended in the vain effort to enforce this utterly unenforceable Volsteadism? The record written is blood, bribery, and official malfeasance, in addition to the lavish waste of money. It is a record of rottenness. Prohibition agents have become killers second only to the bootleggers murdering among themselves in the contest to control the flow of poisonous booze. I could cite killings by prohibition agents from Michigan to Florida, but of these nauseous chapters the Nation is all too familiar.

The innocent citizen all too often has been the victim of the irresponsible Government snooper. A recent report listed 13 prohibition agents being harbored at one time from unbiased State justice by the Government. Charged with murder or manslaughter, these "hair-trigger" snoopers were being withheld from prosecution in State courts by the convenient interference of Federal courts at the request of prohibition bureaucrats. The rule with our prohibition so-called enforcement outfit is evidently "kill first and investigate afterwards."

The type of men employed as prohibition agents is a crying scandal and an American shame. Of the whole gang, exactly three-fourths of them could not pass an ordinary civil-service examination. This vast majority proved that as a class they were illiterate, know nothing, conscienceless boobs. As a distinguished Member of the Senate has pointed out, they probably would have passed the examination if the questions—these few are offhand, as I have not his perfect roster of queries before me—had been somewhat like these:

How many times a month should a bootlegger be "shaken down"?
What should be the average "shake down" of the average "soft-drink parlor"?
Can you buy a "nightcap" in a haberdashery?
Should all wine be classed as "sacrilegious wine"?
Do you believe a murder a day makes snooping pay?
Do you believe that a snooper's tin badge permits you to murder at pleasure, or is there a closed season?

But the type of the human parasite that seeks enlistment in the prohibition force is too well known to merit extended comment. The majority seem to seek snooping jobs because they are "on the make." They see the opportunities for graft. As measured by their literacy in the civil-service test mentioned, the majority volunteer from the undesirable element. Moronic minds are to be found among them. One was apprehended the other day for attacking a 9-year-old girl. The decent American abhors such a job. He will not seek it. The men of the United States Army do not want to be dragged into this spying. The Coast Guard men, who are being hauled into this service, detest it, as do the men of our Navy. The operations of enforcement agents, in short, have been marked by a trail of blood, graft, and lawlessness. To that shameful record has been added the improper use of public funds in the planting of made-to-order "speak-easies," deliberately planned to induce law breaking and literally manufacturing victims for these snoopers. The Bridge Whist Club, in New York City, for the creation of which Government funds to the extent of $44,886 were spent, still yields an odoriferous memory and stands as a vile example of the web-spinning, trap-setting tactics of prohibition and its Government agents who can not enforce it.

THE "OHIO GANG" AND PROHIBITION

And what of the minority that has applauded such lawlessness and high-handed methods of impossible enforcement? First and foremost stands that organization whose operations soar to the sky—the Anti-Saloon League. Born in Ohio, it aptly is branded with memories of the "Ohio gang" that left its scars of corruption and graft upon one Federal administrative term. The "Ohio gang" was a hard-drinking, poker-playing outfit that bowed to the Anti-Saloon League, twin product of its State, because of political policy, but otherwise it was out for what it could grab. When the "Ohio gang" moved to Washington and the "little green house on K Street" was opened, the Anti-Saloon League also moved its congressional and administration-control forces to Washington. It is this league which has fought so desperately to prevent any popular referendum on prohibition.

Our Nation well knows the products of the "Ohio gang"—its oil scandals, its scandals of the surplus Army goods, of the Standard Aircraft case, of the American Metals case, of Daugherty, of Jesse Smith, of Charles Forbes, of Fall, of Sinclair, and of hosts of others. Out of its shadows even have come flashes of Will Hays, former chairman of the Republican National Committee, peddling Harry Sinclair's Liberty bonds from the Continental Trading Co. in a covert effort to cover over the stains of oil on the Grand Oil Party's "dough bag."

It has truly been said that these scandals, which ruined the reputation of a government, were under the patronage of the Anti-Saloon League. Through all its noisomeness the Anti-Saloon League, with its control of government, was complaisant. The league then, as now, held that a good government is one that makes sumptuary regulation paramount; that executes abuses of search and seizure; that encourages overthrow of citizenship's rights; that surrenders utterly to Volsteadism's

tyranny. Rascals in politics, as then was demonstrated, can deliver themselves to the league in so far as their official power is concerned, and thus gain immunity at its hands for their outrages against public probity and governmental honor. I affirm that it was more than mere coincidence that the movement of this league, aspiring constantly as it is to be our supergovernment, and the political corruption of the "Ohio gang" were timed as they were in their invasion of Washington, our National Capital.

THE ANTI-SALOON LEAGUE'S $70,000,000

It is imperative, if honest government is to exist, to expose the scandals of oil and its queer millions of profits of the mysterious Continental Trading Co., but what of the tens of millions of dollars that have been gathered and even more mysteriously expended by the Anti-Saloon League? This organization, to which rights of citizenship mean nothing, has collected its tens of millions from its dupes and fanatical followers, and there never has been any public accounting of its enormous funds or the avenues of their expenditure.

As nearly as experts of investigation have been able to estimate, the Anti-Saloon League's collections throughout the years from 1883 to 1926, inclusive, aggregated the staggering total of more than $67,500,000. With its harvest during the past year, the total must be around $70,000,000. It hides its money-grabbing desperately, however, and but a few, with these not even fully informed, handle its dollars. Measures should be taken to force this organization, which assumes to control the Government of our Nation and the governments of our States, to come out in the sunlight of publicity with complete statements as to where its swag comes from and where it goes.

And now this Anti-Saloon League is seeking $10,000,000 more! What for? Is it planning a gigantic crusade of corruption in connection with the coming presidential campaign? Neither of the major parties will have in the hands of its national committee any sum near that. The league talks of needing that monster amount for expenditure "within the next five years." That is camouflage. It knows the people are aroused, and it hopes to keep on top in this year's contest by the sheer force of dollars! It eagerly takes its dollars, too, from whoever tenders them. What of that supposedly sainted merchant who handed over $500,000, and then was exposed by the courts of New York State, upon action brought by his wife, as having contributed to the delinquency of a minor, as maintaining a "love-nest" for his victims, and as having liquor in this illicit nook? His contribution was made at the meeting proposing this staggering $10,000,000 war-chest. Did the Anti-Saloon League turn back his filthy dollars? No. It has made itself all the more detestable by its vain effort to set up fruitless excuses for hanging on desperately to this half million.

LEAGUE'S DOLLARS SPREADING CORRUPTION

What have the Anti-Saloon League's unaccounted-for millions been expended for? We are finding that out, despite its armor of secrecy. The Anti-Saloon League set itself up as the custodian of public morals. It established a single standard by which public men had to acquire merit in its eyes, or its money was used to hound them out of office. It required only that a person holding or seeking public office deliver himself to the league as for prohibition, and no other question was asked. With its single standard, the league took no account of its minion's political morals or public or private conduct. Rascality thus found a ready cloak under which to hide its corruption and evil. Unless a man surrendered and complied with its mandate, the league used its money—and plans to use it again in the same way—to ruin a public man and destroy his character. If the political crook was professedly dry, when it came to his vote and official action, he was held up as spotless by this conscienceless league, and he even was permitted to profit from its dollars.

The "Ohio gang's" nauseous record proved that it was not necessary to be personally dry. Delivery for the league in public was all that was required. The league thus encouraged the development of unbounded rascality. It provided the mask of false morality to cover any evil. This single standard of the league protected even Len Small and covered Frank L. Smith blanketwise out in Illinois.

The latter's misconduct, his financial relations with the public utilities which he controlled as chairman of the Illinois Commerce Commission, had proved him unfit for an office of trust and responsibility. Did that matter to the self-haloed Anti-Saloon League? No. It had the chance to support even another dry candidate of admitted character and ability. But it supported Frank L. Smith because it thought Smith could win. He did get the votes, but the United States Senate kicked him off its doorstep. That opportunism of the league revealed its utter indifference to decency. The league again thus admitted that what public men do is immaterial so long as they deliver themselves and their votes to its vile mastery for its pretended enforcement of one solitary law!

Its game was revealed in Indiana, too, where the Rev. E. S. Shumaker and D. C. Stephenson, as cooperating bosses of the league and the Ku-Klux Klan, respectively, ruled tyrannically for a time. The league cared not for the clamping down of tyrannous and abusive laws on citizens so long as its paid agents enforced support of the single law of prohibition. But Shumaker, by his impudence inspired by league dollars and presumed power, ran into a sentence for contempt of the Supreme Court of Indiana, and Stephenson was sent to the penitentiary for life for murder—for the murder of a defenseless woman. The league's superintendent in New York State, William H. Anderson, was convicted of third-degree forgery in connection with his handling of money collections. Its director in New Jersey was convicted of libeling judges because they did not interpret the law as this would-be supergovernment body desired. Out in Kansas, funds collected by its superintendent there, it was revealed, were paid to a judge of the State supreme court and to a state's attorney general.

These and other offenses have been without scruple. Court decisions and upright judges have been mocked and libeled. Laws that violate every human right have been pushed through subsidized State legislatures. It is rule or ruin with the Anti-Saloon League. Cases noted—and the list could be extended for many columns—are typical of the outrages in national and State administration against the decencies of government and public life, against the rights of citizens and the principles of American society, of the stains upon American honor and reputation, all of which are the fruits of Volsteadism and the operations of its prime promoter, the Anti-Saloon League. Is it to be wondered at that the league clings with the tenacity of a drowning man to the $500,000 dumped in by Sebastian S. Kresge, even after a separation trial revealed that this donor's life was besmirched in the very particulars in which these pretended moralists of the Anti-Saloon League propose to regulate American citizenship? How many more of his tribe are in its masked ranks?

VOLSTEADISM HURTS LABOR AND BUSINESS

But I say with assurance that the forces of Volsteadism are disintegrating. They are finding it more and more difficult to fool the people. They have harped on the contention that prohibition has bettered our economic and industrial life. They point to increased deposits in our savings banks. That falsity was swallowed only by the careless. But now our people realize that with the close of the World War, and thus practically coincident with the inauguration of national prohibition, there was such an economic and industrial upheaval in this country as the world never before had experienced.

It was this readjustment forced by new conditions that sent wages in the United States to the highest levels known in any country on the face of the globe. Did prohibition accomplish that? Bosh! Did prohibition make this country the custodian of the bulk of the whole world's supply of gold? Piffle! Prohibition had nothing to do with it, nor with the fact that wages now three to five times those paid in antewar and preprohibition days accounts for increased savings and better living conditions our Nation over. That result ensued despite prohibition, as a matter of truth, and prohibition is the dire factor that has interfered with the adjustment of war debts. It is needless to deal at length with this phase of the problem. But it may be repeated that business to-day, big and complex as it is, stands for true temperance as against fanatical prohibition.

There is, however, one feature of Volsteadism affecting national business that is not always pointed out. Recently the National Bank of Commerce of New York issued a special bulletin stressing the imperative need of alcohol in modern American business. Its analysis proved that alcohol is one of the indispensable raw materials of American industry to-day. It pointed out that Germany's attainment of the front rank in chemistry a decade or so ago was due to its government's liability as to industrial alcohol. Synthetic industrial materials are being created in greater number constantly. You do not even need lumber to build a home. This carefully compiled bulletin affirmed flatly that "Alcohol is necessary to any real development of the chemical industry." It proved that science, technology, and economics are suffering, due to Volsteadism and its blind fanatics, because of its hampering the supply, quality, and distribution of industrial alcohol.

Gen. James G. Harbord, head of the Radio Corporation of America, has pointed out that the crowding of Federal court dockets with liquor cases has resulted in voiding the rights of many inventors, and discouraged research because patent rights are not enforced or even adjudicated. At a recent convention of the Finance Companies' Association, it was declared by its general counsel that ruthless, rash, and unjust seizure of auto-

mobiles by prohibition agents constitutes a serious danger to business. I am advised of the case of a Chicago manufacturer of mirrors who was compelled to resort to legal injunction in order to obtain a supply of industrial alcohol which is absolutely necessary in his business.

So national prohibition even has business by the throat. The prohibition czars of our Government arbitrarily decree reductions of alcohol production, the total arbitrary decrease for the last year having been 5,000,000 to 10,000,000 gallons. These decrees are not scientifically based on probable business needs, but are promulgated merely on the basis of how much these dictators believe is being diverted for beverages purposes. Talk about communism! If that is not the essence of communism, I know not what is. It is that sort of thing which always has paralyzed governmental undertakings. The economic world well may laugh at this effort to budget industry in this mighty Nation of ours. The quantity of any material is absolutely not subject to guessing forecast, because it varies from day to day with the ebb and flow of business.

PROHIBITION NOT PART OF CHRISTIANITY

But Volsteadism is slipping badly. It is but the true reaction of human nature at its best that it should. The Volstead fanatic would have us believe that it is sinful to take a drink. Where in the name of Heaven does he find ground for such attitude? In touching on this angle of the problem, I wish to deal reverently with one phase that often is but lightly dwelt upon. This Nation was founded upon the very doctrines set forth by the Holy Bible. The spirit of that book permeates the Declaration of Independence and the bill of rights. It dominates the Constitution of the United States—until we reach that eighteenth amendment. The latter violates that spirit, just as it directly opposes all that has been written before relative to life, liberty, and the pursuit of happiness.

Just laws are written into all statute books with the avowed purpose of prevailing against, or forbidding, evil and sin. I contend that the eighteenth amendment in no event whatsoever properly has a place in the Constitution, for under no interpretation under the sun is it anything more than a mere police regulation. But, aside from that, if prohibition is a just law, it must be shown that drinking temperately is in itself sinful. But no attestation to that end is found in the Holy Bible. Drunkenness, which we all abhor, but which Volsteadism constantly is increasing, is forbidden. But nowhere in the pages of the Bible is temperate drinking held to be sinful. If temperate drinking is sinful why did the greatest figure the history of our world has ever known, the Christ, the founder of our faith, partake of drink?

I contend that no true Christian who claims to follow the teachings of the Christ can be a prohibitionist without denying the Christ he professes to follow. Among the first of the miracles was His turning of water into wine at the marriage feast of Cana in Galilee. But some fanatics insist that was unfermented wine—that it did not have time to ferment. That contention is to deny the efficacy of the miracles. The divine power that turned water into wine easly could have aged the wine also. And, in proof that this was so, the gospel of St. John (2:10) records that the governor of the feast said unto the bridegroom:

> Every man at the beginning doth set forth good wine; and when men have well drunk, then that which is worse: but thou hast kept the good wine until now.

Can we imagine such a wedding feast in this day? Prohibition agents would be breaking in when the wine was served, probably without a search warrant as our law requires, and perhaps firing revolvers promiscuously and wounding or killing some of the guests!

CHRISTIANITY TEACHES TRUE TEMPERANCE

Again inveighing against those who could be won neither by the manners of John the Baptist nor of Himself, the Divine Redeemer said, as recorded in the gospel of St. Luke (7:33–34):

> For John the Baptist came neither eating bread nor drinking wine; and ye say, He hath a devil. The Son of man is come eating and drinking; and ye say, Behold a gluttonous man, a winebibber, a friend of publicans and sinners.

There must have been fanatics and hypocrites in those days who would have made prize members of the Anti-Saloon League.

We know that the Apostles, except for one who remains branded as the vilest betrayer and traitor in history, followed the example and wishes of the Christ. So we always recall Paul's advice to Timothy in his first epistle (5:23):

> Drink no longer water, but use a little wine for thy stomach's sake and thine often infirmities.

It was Solomon the Wise, son of David, whom the drys are so prone to quote as to one declaration, who said (Proverbs, 31:6):

> Give strong drink unto him that is ready to perish, and wine to those that be of heavy hearts.

And yet the Anti-Saloon League vengefully sought to crucify the fearless attorney general of Indiana, the official who broke the Shumaker régimé, because he honestly admitted that he had obtained some good whisky for medicinal purposes when a member of his family lay very ill—and who asserted he would do the same thing again in like circumstances.

So, from the New Testament or the Old, citations can be made in great number utterly disproving that temperate drinking is sinful. Why, in the Second Book of Samuel (6:19) we find it written of David himself, after he had laid low the blustering Goliath of Gath:

> And he dealt among all the people, even among the whole multitude of Israel, as well to the women as men, to everyone a cake of bread, and a good piece of flesh, and a flagon of wine.

A David will arise among us one of these days to cast the fatal stone that shall lay low Anti-Saloon Leagueism for all time.

Volstead fanatics hold up the false impression that all must drink liquors to excess if they are again made available legally. That temperance and personal liberty are upheld by the Bible is shown by that story of the old-fashioned party recorded in the Book of Esther (1:7–8) about 519 B. C., with King Ahasuerus as host:

> And they gave them drink in vessels of gold (the vessels being diverse one from another), and royal wine in abundance, according to the bounty of the king. And the drinking was according to law; none did compel, for so the king had appointed to all the officers of his house, that they should do according to every man's pleasure.

But Solomon, so often quoted in one particular by the drys, did utter these words (Proverbs, 6:16–19):

> These six things doth the Lord hate; yea, seven are an abomination unto him:
>
> A proud look, a lying tongue, and hands that shed innocent blood,
>
> A heart that deviseth wicked imaginations, feet that be swift in running to mischief,
>
> A false witness that speaketh lies, and he that soweth discord among brethren.

Let the Anti-Saloon Leaguers and the prohibition fanatics measure themselves by those seven things that are pronounced hateful to God!

HONORED AMERICANS OPPOSED PROHIBITION

But to come down to recent generations. History tells us that it was not puritanism and fanaticism that won victory in our Revolution, built up our country, and placed our Nation upon firm foundations. It was not prohibitionists who won the Civil War and determined that our country should not be divided. To quote those who have gone before us is to bring the adjuration of those whom the whole world ever will respect for their wisdom. It was the martyred Abraham Lincoln who said:

> Prohibition will work great injury to the cause of temperance. It is a species of intemperance within itself, for it goes beyond the bounds of reason, in that it attempts to control a man's appetite by legislation and makes a crime out of things that are not crimes. A prohibition law strikes a blow at the very principles on which our Government was founded.

Hosts of patriots who contributed to America's greatness could be quoted, but time does not afford. I do wish to call attention to one statement that was prophetic of what has occurred. Speaking in Plymouth Church, Brooklyn, on December 3, 1882, Henry Ward Beecher drew this intimate picture of human nature when he said:

> In America a law with no popular public sentiment behind it, or with no active good behind it, is like a gun with no powder in it. Next comes the question of the right of the law to determine whether a man shall or shall not drink. On that subject I am in favor of men not drinking—unless you tell them that they shall not drink. And so, if any man or any community were to say to me, "You shan't drink wine when you think it best," I would say, "I will," with no other reason but to show that I am a free man. But if my physician should say to me, "It is not wholesome, it is mischievous for you," appealing to my reason and judgment, then I would say, "It is no matter; I will not."
>
> If men should undertake to hold a rod over my head, and should say, "We will expose you to the contempt of the community and to disgrace if you drink wine," I would say, "I do not care for the community; in a thing which concerns me the community shall not touch me, as I in the things which concern the whole community have no right to touch them!"

I hold, therefore, that there is a personal liberty in this matter, a domain that must not be invaded by sarcasms, nor by sundry obvious influences brought to bear upon me. Leave to every man his personal and individual liberty. Diminish his temptation by persuasion, by good reasons, and by kindly influence, but not by authority—not by coercion.

There is a prophecy in those words that has been frightfully fulfilled. Law-abiding citizens of the best class have been turned into lawbreakers by prohibition. Bootleggers have become rich selling poisonous booze unlawfully. Thousands have been blinded, paralyzed, or rendered insane, even if they escaped the cemetery, by vile liquor. Even our Government, to please the Volstead fanatics, puts poison in the alcohol which has caused the deaths of hosts of people. But recently a Kansas City mother presented to the Senate a claim for $200,000 for the death of her son due to the drinking of poisoned alcohol. Her petition now is in the hands of the Committee on Claims of that body. Charges have been made on this floor repeatedly that the Government thus is a party to murder. But prohibition officials refuse to discontinue use of poisons, on the ground that other denaturants have proved unsatisfactory. And the Anti-Saloon League threateningly demands that stand. This mother, as quoted in the newspapers, expressed her true object thus:

What I want to do is to stop murder by the Government. I didn't place a price of $200,000 on my boy. I wouldn't have taken a million dollars for him.

PHYSICIANS ARE OPPOSED TO PROHIBITION

But, to return to Henry Ward Beecher's prophetic reading of human nature, the great cause of temperance that he and others of his day had fostered by teaching the evils of intemperance and of prohibition has been all but destroyed by Volsteadian fanaticism. There is no such thing as temperance throughout the land to-day. Prohibition promotes excesses. If true temperance is to be restored, a halt to existing and increasingly demoralizing conditions must be called at once.

I should like at this point to note a statement made by Dr. Charles A. L. Reed, former president of the American Medical Association, in addressing the American Public Health Association. He said:

In a republic it is dangerous to talk about the fetish of the Constitution. But it is being made a fetish by Volsteadians. No constitutional provision nor any laws enacted thereunder that violate the fundamental law of human well-being ever have been or ever ought to be observed by an independent people. Alcohol is a normal constituent of brain tissue. It is like the gas of your motor, an energizer. When it is exhausted, it must be replaced.

Here is a medical man of highest standing who frankly affirms, and who knows, that the human brain needs alcohol in temperate quantities. Of course, the Anti-Saloon League probably will deny that. It's a wonder that gang has not sought to stop the whole metabolism of the human body by enacting a law to that effect! However, practically everybody knows that our bodies are laboratories manufacturing alcohol. When a man gets it no other way, he eats a good deal of sugar, or candy, and the sugar turns into alcohol in his body. No wonder candy has become so popular under prohibition. The Anti-Saloon League should rush in and stop its manufacture!

And what alcohol does in energizing the brain is shown by the history of the races using alcohol and those not using it. I can see why a Buddhist, a Mohammedan, or a follower of Confucius might be a prohibitionist, for their religions teach prohibition. But what of them? Of the nations noted for abstinence from alcohol not one has reached the position of even a second-class power. Some may say that Turkey is coming somewhat to the fore. Perhaps. But it is doing so by casting off its old living habits along with the fez and the yashmak. There are 100,000 white British soldiers in India, and these, plus the lawmakers of Great Britain 7,000 miles away, hold beneath their thumbs and rule 300,000,000 water-drinking Asiatics. That's where the Anti-Saloon League should expend its energies—in Asia. It might rule India's millions, provided, of course, that Great Britain, as it probably would, did not expel its schemers and fanatics forthright. However, that's another reason why these fanatics never will succeed in supergoverning these United States. Our people are not of the breed, patient and long-suffering as they have been for some years, who will stand for such watery, hypocritical domination!

CHURCH AFFIRMS PROHIBITION'S FAILURE

And I repeat, I can understand how the followers of certain religions can be prohibitionists. But I contend that no true Christian claiming to follow the teachings of the Christ can be a prohibitionist without denying the Christ he professes to follow. So much for Volsteadism and the Anti-Saloon League and their claims as to religious authority! Further, religious denominations and churchmen who heretofore have been inclined to let them have their way, as opposed to true temperance, daily are adding their voices to this challenge, as I shall show.

But a few months ago Bishop H. T. Partridge, of Kansas City, bishop of the Episcopal Church in western Missouri, declared that prohibition has resulted in an era of pocket flasks, and that the United States soon will have to face modification of the Volstead Act or some other solution of the "temperance problem."

"Fermented wine," he asserted, "is a God-given gift—a divine symbol of joy—and to bar it by human legislation is a violation of the Christian principle of citizenship. If a man wants a glass of beer, drinking it moderately, there is no reason in the world why he should not have it."

He might have added that to bar fermented wine by human legislation would mean to attempt to alter the very processes of nature, as devised by the Great Creator, by a puny statute. However, following that statement, failure of prohibition was attested by an official poll of the American clergy of the Protestant Episcopal Church. A tabulation of the vote showed the following results on the questions presented:

Is prohibition a success in your locality? Yes, 445; no, 745.

Have we had this law long enough for a fair trial? Yes, 950; no, 621.

Regardless of one's attitude toward the use of liquor, do you believe a prohibition law offers the best solution of the problem of intemperance? Yes, 624; no, 1,138.

Should the Volstead Act be modified? Yes, 1,032; no, 592.

Should the eighteenth amendment be repealed? Yes, 825; no, 793.

The Protestant Episcopal Church is officially in favor of law observance—

Said the Rev. Charles A. Livingston, chairman of the publicity committee of the National Church Temperance Society, in making public these results—

But our survey shows that the clergy as individuals are not in favor of the Volstead law. The answers from the South and West average the same as those from the East. They do not want the saloons, but in the interest of morality they believe that prohibition ought to go. Beer has been taken away and distilled poison put in its place. When prohibition has been given time to demonstrate what a fallacy it is, its elimination will be easy as well as lasting. The disgust with the law was never so much in evidence as it is now, and it is not confined to any particular section of the country, but it is nation-wide.

There is no compromise in that statement. Following another announcement as to this questionnaire but a few weeks ago, when 1,305 clergymen had voted "no" as against 501 voting "yes" on the question of whether prohibition was a success in their respective localities, Doctor Livingston said:

The majority favor modification of the Volstead Act with some form of Government control, as in Quebec. In addition to the answer on postal cards, hundreds of letters have been received from bishops and rectors in every State in the Union. An analysis of these reveals the vast majority hold that prohibition is wrong in principle and contrary to Scripture. They contend that even if 100 per cent of enforcement could be obtained prohibition still would be a failure.

REPEAL WILL PROVIDE EFFECTIVE RELIEF

Now, why do I demand repeal of the eighteenth amendment and of its Volstead Act appendage? The fanatics of Volsteadism uplift their hands in assumed holy horror. But I contend that the right of repeal is as sacred as is the right of enactment. There is naught but commendableness in the organization of citizens for the purpose of bringing about, by legal means, the modification or repeal of any law which those citizens consider unwise, inexpedient, unscientific, or unenforceable. It is the right of the free citizen to advocate the enactment of any law based on elementary morality, or the repeal or modification of any existing law, and to associate himself with others in that effort. That position and right has been most forcibly expressed by that patriotic citizen, that efficient executive, that champion of personal liberty, the Governor of the State of New York—the Hon. Alfred E. Smith. It is the right of the people, as he has so untiringly and emphatically contended, to organize to oppose any law and any part of the Constitution with which they are not in sympathy. That is the very base of free speech and of our constitutional guaranties.

The best that Congress and the State legislatures could do in a legal way under the eighteenth amendment to relieve existing conditions would be to permit an alcoholic content just below the intoxicating point. The problem of the "intoxicating point" still is a moot question. But let us grant even the exaggerated claims of the Volstead fanatics. The intoxicating

point for beer, then, may be somewhere between 2 and 3 per cent alcohol by volume. Wine never contains less than 9 per cent alcohol by volume. If under 9 per cent it turns to vinegar. Therefore, with the eighteenth amendment prohibiting "intoxicating beverages," wine might be held always an intoxicating beverage. Under the eighteenth amendment's restrictions it would be impossible, in that case, for Congress or any State legislature, to legalize the manufacture, sale, and transportation of wine. That is the fact of the matter. Let us be frank about it.

In this connection, I wish to quote a few statements uttered by Senator EDGE, of New Jersey, who is regarded as the author of the initial so-called "beer and wine" bill—a proposal introduced several times in varying forms because the Judiciary Committee repeatedly shelved such projected measures. Senator EDGE is not of my political faith, but he spoke for the liberals of his political fold. One of his assertions was: "If I had the power I would amend the eighteenth amendment to provide for a reasonable distribution of hard-spirit beverages, not through the medium of saloons, which, however, have not ceased under present restrictions, or through drug stores, but under governmental supervision and surrounded by every possible safeguard."

EVEN EDGE SAYS AMEND THE CONSTITUTION

Again Senator EDGE stated:

I frankly admit in advance no complete relief is possible without amending the Constitution. As I have repeatedly stated, the power of Congress is necessarily confined within the terms of the Constitution—the eighteenth amendment. If we go too far, the Supreme Court would undo our work.

Another declaration by Senator EDGE was:

While convinced the American people can be trusted not to abuse modification in any parallel degree to the existing violation of the Volstead act, it will nevertheless be seen that I have refrained from suggesting the legalizing of so termed "light wines." I would favor such an amendment did I believe it would stand the test. I can not conceive a wine that would not necessarily contain more alcohol than 8 per cent, and I feel that would be determined by the court a violation of the eighteenth amendment. * * * Therefore, as much as it is to be desired, combining "light wines and beer" is in my judgment an uncertain proceeding. Two and seventy-five one-hundredths per cent beer can clearly be permitted by statute. At least no one can assert with knowledge that it would be unconstitutional. The legality of wine is at the best questionable.

It was Senator EDGE, by the way, now a proponent of repeal, who voiced the whole story of opposition to prohibition in these words:

The individual man, when he stands upon his plain right, will not down. His house is his castle and his life is his own. What service and obedience he owes to those in authority he renders as he should. He stands, if need be, alone and single-handed against the law; behind him, as his inspiration, he has a thousand years of the tradition of individual liberty. There is a spirit in him that kings have never conquered, that parliaments have never compelled, that the scourge has never beaten out, and that fire has never consumed.

BORAH ADMITS FEAR OF REPEAL

Even that distinguished Republican Senator from Idaho, who is beset with the peculiar hallucination that he can remove the stain of oil from his "grand oil party" by passing the hat for contributions to repay Harry Sinclair for the bonds which the latter gave Will Hays to peddle to meet a Republican organization deficit, has admitted that repeal is the true objective for those who oppose prohibition and its fanaticism. He has confessed:

The American people will never get the intoxicants—

He is the sort who think anything other than absolute dryness, which has been proved impossible, is intoxicating—

that some of them think they want, by puttering around with so-called amendments to or modifications of the national prohibition act, commonly called the Volstead Act.

The Constitution of the United States stands between them and any modification of the Volstead Act that would give them intoxicants. Any claim that such modifications would give them what they seek is a mockery as hollow as it is unconstitutional. I know of no way that we can legislate for intoxicants so long as the Constitution remains as it is. In a single sentence, if there is going to be any change in the prohibition policy, program, or legislation, there must first be a change in the Constitution.

That's frankness, isn't it? None of his dry associates, including the schemers of the Anti-Saloon League, ever have shown quite such candor. It gets further from the viewpoint of anti-Volsteadism than the Senator will get in wiping the oil stains off his party's machine by his hat-passing and hurdy-gurdy soliciting. It adds proof, however, that if we are to end the lawlessness and crime of prohibition and make progress toward the reorientation of personal liberty and true temperance we must wipe the slate clean by repeal, create new national legislation, or vest such power in the various States for individual action.

WORLD WAR VETERANS DEMAND ACTION

Veterans of the World War have expressed themselves, as they should. They were foremost among those double-crossed by the Anti-Saloon League and the fanatics of prohibition. They were offering their lives while the paid agents of Volsteadism were putting over their game. In the heat of war excitement, when our people were buying bonds to send billions to Europe and our finest young men were marching down to be herded on transports, prohibition went through with a bang. And its fanatics made it good and tight while they were about it, as we have seen. It all was done in war's semihysteria, and the veterans now controlled by the prohibition law had no chance whatsoever to vote on this vile thing, or even to have a voice in it. Had they been infants in the cradle, but a fortnight old, they could have had no more to say about this particular law which now controls their mode of living. But they know, as the people now realize, that bootleg whisky, which sometimes makes you blind, sometimes kills you, and always poisons, is not to be tolerated in our proud country.

Edward E. Spafford, national commander of the American Legion, has put it this way:

No government can exist which does not enforce its laws, or which resorts to a breach of the fundamental principles of liberty in order to enforce a law which has not the sanction of the best thought of the community. Inasmuch as the strength of any law rests upon the strength of the governed, it should have the unqualified consent of the people.

If the will of the people is for the retention of the eighteenth amendment and of the Volstead Act every effort of the Government should be bent toward their enforcement. Gangsters should be reformed or annihilated; the man who lends his property or countenance to illict acts should be ostracized from the society of law-abiding citizens. If, on the other hand, these provisions have not the approval of our citizenry they should not remain a dead letter which permits people to scoff at our institutions, but should be removed from our public records.

THREE COURSES OPEN TO THE PEOPLE

In the circumstances, it has been pointed out that there are three courses open to our people. We can drift along, as we are doing, into nullification to the point where juries will convict in no case, and where everybody who wants to make a living by bootlegging can do so, with crime and lawlessness and disrespect for all law constantly increasing. As an alternative, we can bring about the amending of the eighteenth amendment, as well as the Volstead Act, in a legal way. Those who urge this course have proposed among other means the so-called "Buck plan," sponsored by Dr. F. W. Buck, of the present Federal Dispensary-Tax Reduction Tax League, as far back as 1914.

This plan would amend the eighteenth amendment by substituting a comma for the period after the first section of the amendment and adding the words, "excepting the Government." Proposed coordinate amendment of the Volstead law would permit the Government to license breweries, wineries, and distilleries to manufacture pure liquors, under Government supervision and inspection, for sale under Government control, and permit no liquors to be bottled until they have been properly aged in wood. Provision would be made for the Government to establish dispensaries on the basis of not more than one in cities up to 50,000 population, and in like ratio in larger cities, with postmasters acting as dispensing agents in towns and country districts. Penalties would restrict consumption to homes or specifically designated places.

The third, and final, course of procedure is to repeal the eighteenth amendment and the Volstead Act utterly, and this is the course I advocate. Then proper provision can be made for Government control, supervision, inspection and sale. Thus we would build anew, and not potter around with the amending of existing provisions in the Constitution or the statutes now bearing upon this vital problem. Let us abolish the unsatisfactory mess and start anew.

NATION'S LAWYERS ADVISE REPEAL

This demand for utter repeal is finding favor among the foremost associations of lawyers, just as it has been approved by various business organizations and religious denominations.

Conscientious lawyers, I believe, have been able to gauge better than citizens who are not lawyers the fearful effects of forcing prohibition upon unwilling citizens and communities, of its inevitable breeding of disrespect for all law, of its creation of intolerable congestion of our courts, of its substitution of immense graft for the taxes alcoholic beverages formerly paid to the State, and of prohibition's evils distracting political attention from vital issues of domestic and foreign policies.

There is deep significance in resolutions recently adopted by bar associations of New York City and Philadelphia. The Law Association of Philadelphia directed most emphatically the attention of all other bar associations, city, county, and State, to the evils resulting from the Volstead Act and the eighteenth amendment. The Association of the Bar of the City of New York, after several meetings and a final closed session, adopted a resolution by a three to one vote declaring that the prohibition amendment and the Federal enforcement law based upon it—

should be repealed, and the whole subject of prohibition be remitted to the sole regulation of the several States.

This is the most sweeping antiprohibition resolution yet adopted anywhere by a powerful bar association; and the argument in its favor, as summarized in the preamble, included the categorical affirmation that the eighteenth amendment is inconsistent with the spirit of the rest of the Federal Constitution and violative of the bill of rights. Politicians may prefer evasion and shuffling, but such emphatic action is indicative that the day of settlement is at hand.

Action must be had to remedy conditions. Lawbreaking in this country, inspired by contempt for the constitutional prohibition provision, is as widespread as bootleg whisky. The "perfectly respectable" citizen who would instantly and remorselessly jail a man for breaking the law against stealing an overcoat boasts his skill in breaking the prohibition law, and invites his friends to share in the results of his lawbreaking. The people resent the action of the Federal Government in trying to dictate every detail of their lives. They are tired of having Federal officers tell them what they shall drink, what they shall eat, where they can play, and even where they can fish. Our Government, by this dictatorial paternalism, is forcing our people into lawlessness and whetting their minds for anarchy. They resent snoopers spying on their every action, and protest against being dictated to in any way that may wreck their happiness.

PROHIBITION PROMOTES GRAFT AND BRIBERY

Bribery is everywhere as part of the law-breaking spirit of the day. The bootleggers bribe governmental officials for protection and immunity, and then our Federal Government exacts as income tax without shame its share of the bootleggers' profits from this infernal, corrupting traffic. Various cases now are pending in the Federal courts aimed to force certain ringleaders of bootlegging to pay up proper income taxes on their unlawful profits. Such a situation should be a national reproach. It makes our Government literally the financial partner of the booze peddler.

Hijackers in turn prey upon the bootleggers. Many are killed, but there is no "squealing," for that would mean more summary deaths. Kidnapping in various cities has been reduced to a fine art, the victims usually being high-powered bootleggers, who thus are made to divide their profits among the less successful or smaller fry of their "profession." Crime is an organized business, and a gigantic wholesale business at that. In one little county down in southwestern Illinois a former police magistrate recently confessed that he had aided a group of officials in squeezing $150,000 in graft from local bootleggers within a very brief period.

In one great city profits from bootlegging and beer running, not counting in hijacking robberies and such subsidiary profits, are conservatively estimated as running as high as $70,000,000 a year. Every modern means is utilized in these operations—machine guns, motor cars, power boats, flying machines, and even submarines. All along the Canadian and Mexican borders rum running is rampant.

The entire United States Army, multiplied many times, could not adequately patrol those borders and keep out forbidden alcohol. Superbootleggers, keeping in the background, finance wholesale operations through "perfectly respectable" financial institutions that exact terrific rates of interest for this financing of crime. A few years ago we would have thought of organized crime and bobbed-hair girl bandits as distorted dreams. But to-day, in this great and powerful country, we find that prohibition has made them realities.

PROHIBITION COSTS BILLIONS IN TAXES

A noted financial publication, after months of careful survey, recently estimated the cost of prohibition at $2,077,000,000 annually. Why, that is like reading the tax rolls of States, counties, cities, and the Federal Government combined! Try to contemplate the billions that prohibition has cost the Government in excise taxes! And the people are crying for tax reduction and tax relief. If we had true temperance in this country, with the manufacture and sale of pure alcoholic beverages supervised and controlled by our Government, the profit would be sufficient to permit us to reduce individual taxes to the minimum. We could reduce our monster national debt as we pleased. We could facilitate the wiping out of war debts, because prohibition would not interfere with foreign trade that is necessary to effectively aid our debtors to pay up.

The farmer is crying for help. Stamp out prohibition and the farmer will find a market for his grain crops. Prices will be stabilized, and they will be thriving prices, too. He can blame the Anti-Saloon League and its fanatics for the loss of his markets in the lean years he has experienced. An authority affirms that even modification of the Volstead Act, which would allow the brewing of beer alone, would result in 10,000,000 acres of land being used for the growth of barley.

And what has all this staggering financial loss to all the people had to balance it? Nothing but crime, graft, and lawlessness in such degree as never before could have been imagined. The liquor-enforcement division of the Department of Justice last December gave out figures showing that since the enactment of prohibition the Federal courts alone had imposed fines aggregating more than $42,000,000 and jail sentences totaling more than 22,500 years. At the close of the fiscal year in June, 1927—the Government never is up to date with its statistics—there had been 223,507 convictions. Yet all the effort and expenditure, all the convictions, all the activities of armies of prosecutors and snoopers had not made a perceptible dent in the constantly increasing bootlegging, with its growing horrors of law-breaking, graft, deaths, and red-handed crime!

About the same time figures were given out in Toronto showing that 11,000,000 Americans had visited Canada between January 1 and September 30, last year, and spent an estimated $100,000,000. And what of the Americans who visited Mexico, Cuba, Europe, and other liberal segments of the world, and of their additional tens of millions of expenditures? What is to be done in the face of all this?

THE LEGAL INDICTMENT OF PROHIBITION

In these circumstances prohibition stands indicted on more counts than any criminal ever arraigned. I am presenting this formal indictment in rather legal verbiage. Its counts, as drawn, have been approved by some of the most distinguished of American lawyers. Here are the charges that stand against prohibition, its fanaticism, and its harvest of evil and sin:

First. The eighteenth amendment is inconsistent with the spirit and purpose of the Constitution of the United States and in derogation of the liberties of citizens and of the rights of the States as guaranteed by the first 10 amendments thereto.

Second. The eighteenth amendment and the laws purporting to be enacted in pursuance thereof have proven a source of confusion and hindrance in the interpretation and administration of the entire body of the law, and impaired respect for law in general.

Third. Violation and disregard of it has been, and is, participated in, or connived at, by all grades of society and by public servants intrusted with its enforcement.

Fourth. The eighteenth amendment and the statutes, orders, and regulations purporting to be adopted thereunder, and the abuses practiced in the alleged enforcement thereof, have brought about conditions of crime, fraud, corruption, and lawlessness in such proportions and to such extent as to inculcate a general lack of respect and downright contempt of law.

Fifth. These conditions and abuses pervade the Government and every branch of our social, political, industrial, and religious life, and have become a serious detriment to the welfare and moral health of the country, and a peril to stability of government.

Sixth. In its alleged enforcement unlawful searches and seizures have been resorted to generally the country over.

Seventh. It has been the medium of disturbing time-honored international relations.

Eighth. It has embarrassed, obstructed, and impaired foreign trade. Through it the Federal Government has extended its activities into affairs which under the Constitution were guaranteed local to State governments and immune from Federal interference.

Ninth. It has stimulated in the Federal Government and its authorities extensions and arrogations of influence moving toward consolidated Federal democracy with unlimited power, hostile to the spirit of our Federal Republic, with its defined and limited powers.

Tenth. It has lowered the Government in the esteem of the people until it is the subject of world-wide ridicule and scorn.

Eleventh. It has stimulated the spirit of aggression in the Federal Government until it is seriously proposed to extend the Federal judiciary system and confer upon commissioners magisterial powers and authority to punish, imprison, and fine in the States without trial by jury.

Twelfth. An amendment which by its own terms is limited in its applicability to alcohol for beverage purposes is by the courts construed as authority to limit or proscribe alcohol for medicinal and trade use.

Thirteenth. With remote responsibility for the character of appointees under it, criminals of low degree have been intrusted with its administration, and have ruthlessly slain citizens and had protection of the Government.

Fourteenth. Under it our governmental system is being so insidiously poisoned as seriously to impair its efficiency, if not to endanger its continued existence.

Fifteenth. It has evoked demand for relief and correction from leaders of thought in religious life.

Sixteenth. The promised good has not materialized, but instead thereof the evils aforesaid have resulted and are growing steadily worse.

REPEAL IN TOTO IS DEMANDED

Gentlemen and ladies of the House, on this indictment the crime-engendering, corruption-breeding, manhood-destroying, youth-endangering, graft-promoting, government-threatening eighteenth amendment, along with its impotent so-called enforcement provision, the Volstead Act, should be repealed utterly.

I ask your support of my resolution to this end. A forest fire is fought by every human being residing in the sector where it rages. A national war grounded in justice brings every loyal citizen to action. Our country is truly in danger because of this intolerant, malignant prohibition. Respect of all law is threatened by Volsteadian fanaticism. Let us clean the slate! Repeal this amendment and its accompanying act, and create new legislation that shall blot out utterly, for the welfare of our Government and of all our people, the terrors and blood of prohibition. We must act. Our people so demand. Let us have absolute repeal. If we fail, the oncoming generations will not. But they will brand us as traitors to our Nation, its homes, its industry, its life.

CHINA

Mr. BLACK of New York. Mr. Speaker, I ask unanimous consent to proceed for eight minutes on the subject of China.

The SPEAKER. The gentleman from New York asks unanimous consent to address the House for eight minutes. Is there objection?

There was no objection.

Mr. BLACK of New York. Mr. Speaker, pending operations in China present clear proof that we should have a policy with a world perspective. To consider that the present bedevilment of China by Japan is of no American concern is childish.

We have many practical reasons for interest. First of all, there is the nine-power treaty, to which we are a party. Then must be thought of our trade relations with China. If we sign a treaty with foreign powers, we expect them to have all the sanction of law. If Japan intends a permanent occupation of Shantung or even of Manchuria, the Japanese violate a solemn treaty made with us. We of Congress do not know the terms of assurances the State Department has received from Japan in this regard. The Congress and the people should be informed.

A Japanese army in Shantung argues for permanent occupation. This was the aim of Japan at Versailles, but under the leadership of this country the Japanese surrendered such designs in the treaties negotiated at Washington.

The Chinese have as much right to national independence as any other people. Probably no revolutionary movement has promised as much for world progress as the program of the Koumingtang. It is highly progressive, promising political advancement modeled on our institutions. The reactionary imperialism of Japan should not defeat this forward step that indicates, if adopted, that over 800,000,000 of God's children will advance. China will either be a free nation contributing to world improvement, or a subject of Japan, more backward than heretofore.

Our country established the original contacts of Japan with occidental civilization. Also we have, under the inspiration of John Hay, insisted on the sovereignty of China and equal trading rights for all powers.

We have thus been friendly with both countries—and we owe to ourselves as well as to them to help China get its place in the sun.

We have been recognizing the provincial government of Peking as the Government of the China Republic. The Cantonese control much of China—and their program of constitutional reforms has the support of the Chinese, even beyond those within the military sphere of Gen. Chiang Kai-shek.

I have introduced a resolution providing that it is the sense of the House that this country recognize the Nationalist Party as the government of China. We are to-day recognizing the Pekin Government that is only a government of the Province of Pechili. It is almost entirely repudiated by the Chinese people. I would like to see our Government become realistic. I would have it the first to take advantage of cooperating with the party responsible for national progress in China by giving diplomatic courtesy to the agents the Nationalists send here. I believe that this country should receive these men with all diplomatic courtesy. It is my idea that if we want to help them progress we should recognize the progressive party in China that has become the de facto government and should be considered because of its program and because of its reception by the Chinese people as the de jure government.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. BLACK of New York. Yes.

Mr. CHINDBLOM. The gentleman realizes that while he may offer a fine expression of opinion he is encroaching on the prerogatives of the President.

Mr. BLACK of New York. We have a Foreign Affairs Committee in this House and they are here for some purpose, and Congress should have something to say about its foreign affairs. [Applause.]

ORDER OF BUSINESS

Mr. CHINDBLOM. Mr. Speaker, I ask unanimous consent to proceed for three minutes.

The SPEAKER. The gentleman from Illinois asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. CHINDBLOM. Mr. Speaker, I presume on Monday the consideration of the Consent Calendar will begin at the first bill on that calendar. We are, however, approaching the end of the session. There are a great many bills on the calendar which will never be reached unless we begin to take up the calendar from the beginning and go through to the end. I express the hope that while we do begin on Monday with the consideration of the first bill thereafter when the calendar receives attention we may proceed until all the bills are ultimately called before adjournment.

Mr. CRAMTON. That would be the natural course, because Monday is consent day, and any later action for a call of the calendar will be a special occasion, and it would be natural to do what the gentleman suggests.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred to the appropriate committee, as follows:

S. J. Res. 156. Joint resolution to stay proceedings for the condemnation of squares 727 and 728 in the District of Columbia; to the Committee on Public Buildings and Grounds.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 457. An act to create a board of local inspectors, Steamboat Inspection Service, at Hoquiam, Wash.;

H. R. 6104. An act to amend sections 57 and 61 of the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909;

H. R. 11479. An act to reserve certain lands on the public domain in Valencia County, N. Mex., for the use and benefit of the Acoma Pueblo Indians;

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; and

H. R. 12632. An act to provide for the eradication or control of the European corn borer.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

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, maintain, 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.

BILL PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States, for his approval, a bill of the following title:

H. R. 11133. An act 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.

ADJOURNMENT

And then, on motion of Mr. MAPES (at 4 o'clock p. m.), the House adjourned until to-morrow, Sunday, May 20, 1928, at 2 o'clock p. m.

COMMITTEE HEARING

Mr. TILSON submitted the following notice of a committee hearing scheduled for Monday, May 21, 1928, as reported to the floor leader by the clerk of the committee:

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To regulate the distribution and promotion of commissioned officers of the line of the Navy (H. R. 13683).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

532. A letter from the Comptroller General, transmitting supplemental report of claims for compensating persons who suffered property damage or personal injury due to the explosions of the naval ammunition depot, Lake Denmark, N. J., July 10, 1926 (H. Doc. No. 310); to the Committee on Claims and ordered to be printed.

533. A letter from the Acting Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of Skagit River, Wash. (H. Doc. No. 311); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

534. A letter from the Acting Secretary of War, transmitting report from the Chief of Engineers on preliminary examination and survey of Stilaguamish River, Wash. (H. Doc. No. 312); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. ELLIOTT: Committee on Public Buildings and Grounds. H. R. 13665. A bill to provide a building for the Supreme Court of the United States; with amendment (Rept. No. 1773). Referred to the Committee of the Whole House on the state of the Union.

Mr. SCHNEIDER: Committee on Immigration and Naturalization. H. R. 13793. A bill relating to records of arrival of certain immigrants, and for other purposes; with amendment (Rept. No. 1774). Referred to the Committee of the Whole House on the state of the Union.

Mr. BEERS: Committee on the District of Columbia. H. R. 7341. A bill to authorize the payment of additional compensation to the assistants to the engineer commissioner of the District of Columbia; without amendment (Rept. No. 1775). Referred to the Committee of the Whole House on the state of the Union.

Mr. BEERS: Committee on the District of Columbia. H. R. 7342. A bill to fix the salaries of the members of the Board of Commissioners of the District of Columbia; without amendment (Rept. No. 1776). Referred to the Committee of the Whole House on the state of the Union.

Mr. HALL of Indiana: Committee on the District of Columbia. H. R. 8300. A bill to provide for the acquisition, improvement, equipment, management, operation, maintenance, and disposition of a civil air field and any appurtenances, inclusive of repairs, lighting and communication systems, and all structures of any kind deemed necessary and useful in connection therewith; with amendment (Rept. No. 1777). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN: Committee on Agriculture. H. R. 13447. A bill authorizing and directing the Secretary of Agriculture to establish and maintain a dairy and livestock experiment and demonstration station for the South at or near Lewisburg, Tenn.; without amendment (Rept. No. 1778). Referred to the Committee of the Whole House on the state of the Union.

Mr. BUTLER: Committee on Naval Affairs. H. R. 13884. A bill to authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes; without amendment (Rept. No. 1779). Referred to the Committee of the Whole House on the state of the Union.

Mr. LAMPERT: Committee on the District of Columbia. S. 4126. An act authorizing the National Capital Park and Planning Commission to acquire title to land subject to limited rights reserved, and limited rights in land, and authorizing the Director of Public Buildings and Public Parks of the National Capital to lease land or existing buildings for limited periods in certain instances; with amendment (Rept. No. 1780). Referred to the Committee of the Whole House on the state of the Union.

Mr. SPROUL of Kansas: Committee on Indian Affairs. H. R. 10372. A bill regulating Indian allotments disposed of by will; without amendment (Rept. No. 1781). Referred to the House Calendar.

Mr. DREWRY: Committee on Naval Affairs. H. R. 13876. A bill to authorize the construction of barracks and mess hall for enlisted men at the naval training station, Hampton Roads, Va.; with amendment (Rept. No. 1785). 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. UNDERHILL: Committee on Claims. S. 363. An act for the relief of Louise M. Cambouri; without amendment (Rept. 1760). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 443. An act for the relief of Larry M. Temple; without amendment (Rept. 1761). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 513. An act for the relief of the Hottum-Kennedy Dry Dock Co., of Memphis, Tenn.; without amendment (Rept. No. 1762). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 1645. An act for reimbursement of W. H. Talbert; without amendment (Rept. No. 1763). Referred to the Committee of the Whole House.

Mrs. LANGLEY: Committee on Claims. H. R. 4609. A bill for the relief of M. L. Willis; without amendment (Rept. No. 1764.) Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 7392. A bill for the relief of John I. Fitzgerald; without amendment (Rept. No. 1765.) Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 9716. A bill to pay Charles H. Salley, of Salley, S. C., for costs, disbursements, and commission as administrator of the estate of Jim Woodward, deceased; without amendment (Rept. No. 1766). Referred to the Committee of the Whole House.

Mr. LEAVITT: Committee on Claims. H. R. 9862. A bill for the relief of M. T. Nilan; with amendment (Rept. No. 1767). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 10045. A bill for the relief of Robert S. Ament; with amendment (Rept. No. 1768). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 11500. A bill for the relief of Ella Mae Rinks; with amendment (Rept. No. 1769). Referred to the Committee of the Whole House.

Mr. CELLER: Committee on Claims. H. R. 11510. A bill for the relief of Montana State College; with amendment (Rept. No. 1770). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 12612. A bill for the relief of E. W. Gillespie; with amendment (Rept. No. 1771). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 13498. A bill for the relief of Clarence P. Smith; with amendment (Rept. No. 1772). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. S. 3314. An act for the relief of John J. Fitzgerald; with amendment (Rept. No. 1782). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. S. 3931. An act for the relief of Augusta Cornog; with amendment (Rept No. 1783). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 2492. A bill to extend the benefits of the employers' liability act of September

7, 1916, to John L. Jenifer, a former employee of the Government Printing Office, Washington, D. C.; with amendment (Rept. No. 1784). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (H. R. 13801) for the relief of John Bowie, and the same was referred to the Committee on War Claims.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MICHENER: A bill (H. R. 13899) authorizing the Secretary of the Interior to issue patents for lands held under color of title; to the Committee on the Public Lands.

By Mr. WELCH of California: A bill (H. R. 13900) to exclude certain citizens of the Philippine Islands from the United States; to the Committee on Immigration and Naturalization.

By Mr. RATHBONE: A bill (H. R. 13901) to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and to regulate the expenditure of moneys that shall be appropriated for such purposes; to the Committee on the Judiciary.

By Mr. FRENCH: A bill (H. R. 13902) to provide for the examination and commitment of persons charged with crime in the District of Columbia who are alleged to be insane; to the Committee on the District of Columbia.

By Mr. BERGER: Joint resolution (H. J. Res. 314) directing the President of the United States to call an international conference for the purpose of revising the terms of the treaty of Versailles, the terms of the reparation agreements entered into thereunder, and to rewrite the Versailles treaty in accordance with the terms upon which the German people laid down their arms; to the Committee on Foreign Affairs.

By Mr. SMITH: Resolution (H. Res. 215) relative to the installation of an amplifying system in the House of Representatives; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRAND of Ohio: A bill (H. R. 13903) granting an increase of pension to Orpha A. Kilgore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13904) granting an increase of pension to Talitha J. Todhunter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13905) granting an increase of pension to Emma C. Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13906) granting an increase of pension to Lydia D. Porter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13907) granting an increase of pension to Nettie Bay; to the Committee on Invalid Pensions.

By Mr. COCHRAN of Pennsylvania: A bill (H. R. 13908) to correct the military record of Claude L. Ryhal; to the Committee on Military Affairs.

By Mr. COHEN: A bill (H. R. 13909) granting a pension to William H. Bruns; to the Committee on Pensions.

By Mr. CRAIL: A bill (H. R. 13910) granting an increase of pension to Leona Healey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13911) granting an increase of pension to Adwilda Vinyard; to the Committee on Invalid Pensions.

By Mr. ELLIOTT: A bill (H. R. 13912) granting an increase of pension to Roy Smith; to the Committee on Pensions.

By Mr. W. T. FITZGERALD: A bill (H. R. 13913) granting a pension to Benjamin F. Yazel; to the Committee on Invalid Pensions.

By Mr. FREEMAN: A bill (H. R. 13914) granting a pension to Margaret S. Spelman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13915) granting an increase of pension to Anna C. Raud; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13916) granting an increase of pension to Emily J. Williams; to the Committee on Invalid Pensions.

By Mr. HARE: A bill (H. R. 13917) to compensate Arthur Ashley Burn, sr., for the loss and death of his son, Arthur A. Burn, jr.; to the Committee on War Claims.

By Mr. KNUTSON: A bill (H. R. 13918) granting a pension to Angeline Woolsey; to the Committee on Pensions.

By Mr. MORGAN: A bill (H. R. 13919) granting a pension to Margaret Kilkenney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13920) granting an increase of pension to Sarah B. Woodruff; to the Committee on Invalid Pensions.

By Mr. MORROW: A bill (H. R. 13921) for the relief of Arch L. Gregg; to the Committee on Claims.

By Mr. MURPHY: A bill (H. R. 13922) granting a pension to Emma C. Fryer; to the Committee on Invalid Pensions.

By Mr. SPEAKS: A bill (H. R. 13923) granting a pension to Bessie Puckett; to the Committee on Pensions.

Also, a bill (H. R. 13924) granting an increase of pension to Sarah O. Acheson; to the Committee on Invalid Pensions.

By Mr. THOMPSON: A bill (H. R. 13925) granting a pension to Rhoda Dixon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13926) granting an increase of pension to Celestia A. Finks; to the Committee on Invalid Pensions.

By Mr. WRIGHT: A bill (H. R. 13927) for the relief of Virgil Leon; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7719. By Mr. BEERS: Memorial from members of the Woman's Christian Temperance Union, in Juniata County, favoring the passage of the Jones-Stalker bill; to the Committee on the District of Columbia.

7720. By Mr. FITZPATRICK: Petition of David T. Lamond, treasurer Lee & Simmons (Inc.), protesting against the passage of the Vinson bill, known as the cotton futures trade act; to the Committee on Agriculture.

7721. By Mr. KIESS: Petition of Avis Union, Woman's Christian Temperance Union, of Avis, Pa., favoring the passage of the Lankford Sunday rest bill (H. R. 78); to the Committee on the District of Columbia.

7722. By Mr. KINDRED: Resolution of the Long Island Chamber of Commerce (Inc.), urging the United States Board of Engineers for Rivers and Harbors, in behalf of the committee on ports and waterways of the Long Island Chamber of Commerce, to approve of the recommendations for the improvement of Manhasset Bay made by the district engineer and the division engineer now before said Board of Engineers for Rivers and Harbors; to the Committee on Rivers and Harbors.

7723. By Mr. O'CONNELL: Petition of Lee & Simmons, New York City, opposing the passage of the Vinson bill (H. R. 13646) and the Smith bill (S. 4411); to the Committee on Agriculture.

7724. Also, petition of the New York Board of Trade and Transportation, New York City, opposing the passage of House bill 13646, the Vinson cotton futures act; to the Committee on Agriculture.

7725. Also, petition of the national council of the Steuben Society of America, New York City, favoring the passage of the Shipstead bill (S. 1481); to the Committee on Immigration and Naturalization.

7726. Also, petition of the Bricklayers, Masons, and Plasterers International Union of America, Washington, D. C., favoring the passage of the Bacon bill (H. R. 11141), providing for employment of resident workers on Federal contracts; to the Committee on Labor.

7727. By Mr. QUAYLE: Petition of the New York Board of Trade and Transportation of New York City, opposing the passage of House bill 13646, entitled "The cotton futures trading act"; to the Committee on Agriculture.

7728. Also, petition of the Bayway Terminal, of New York City, protesting against the passage of House bill 13646, entitled "Cotton futures trading act," as damaging to their interests; to the Committee on Agriculture.

7729. Also, petition of the American Fluoride Corporation, of 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.

7730. Also, petition of Lee & Simmons, of New York City, opposing the passage of House bill 13646 and Senate bill 4411, entitled "The cotton futures trading act"; to the Committee on Agriculture.

7731. Also, petition of national council of the Steuben Society of America, New York City, favoring the passage of the Shipstead bill (S. 1481); to the Committee on Immigration and Naturalization.

7732. Also, petition of Bricklayers, Masons, and Plasterers International Union of America, Washington, D. C., favoring the passage of House bill 11141, providing for employment of resident workers on Federal contracts; to the Committee on Labor.