

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred, as follows:

By Mr. ARNOLD: A bill (H. R. 13938) granting an increase of pension to Kizziah S. Casey; to the Committee on Invalid Pensions.

By Mr. BUCKBEE: A bill (H. R. 13939) granting a pension to Anna Bailey; to the Committee on Invalid Pensions.

By Mr. CORNING: A bill (H. R. 13940) granting an increase of pension to Hattie E. Lewis; to the Committee on Invalid Pensions.

By Mr. CRISP: A bill (H. R. 13941) granting an increase of pension to Anna Allen; to the Committee on Invalid Pensions.

By Mr. EATON: A bill (H. R. 13942) granting a pension to Leila Newell Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13943) granting a pension to Lydia A. P. Conover; to the Committee on Invalid Pensions.

By Mr. FREEMAN: A bill (H. R. 13944) granting an increase of pension to Hannah F. Dunn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13945) granting an increase of pension to Matilda A. Storms; to the Committee on Invalid Pensions.

By Mr. HOWARD of Nebraska: A bill (H. R. 13946) granting a pension to Mary Livingston; to the Committee on Invalid Pensions.

By Mr. HUDSON: A bill (H. R. 13947) granting an increase of pension to Marie Piatt Wilson; to the Committee on Pensions.

By Mr. JENKINS: A bill (H. R. 13948) granting a pension to Kate Davis; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Oklahoma: A bill (H. R. 13949) for the relief of Grace Leedom; to the Committee on Invalid Pensions.

By Mr. LINTHICUM: A bill (H. R. 13950) for the relief of Moreau M. Casler; to the Committee on Claims.

By Mr. MAJOR of Illinois: A bill (H. R. 13951) granting a pension to Ida Vancil; to the Committee on Invalid Pensions.

By Mr. MILLIGAN: A bill (H. R. 13952) granting a pension to M. Elizabeth (Isibell) Clevenger; to the Committee on Invalid Pensions.

By Mr. WOLVERTON: A bill (H. R. 13953) granting an increase of pension to Mary A. Budd; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13954) granting an increase of pension to Annie Downing; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7733. By Mr. BOYLAN: Resolution adopted by the National Council of the Steuben Society of America, favoring the passage of Senate bill 1481; to the Committee on Immigration and Naturalization.

7734. By Mr. KOPP: Petition of V. H. Ruring and 181 other residents of Danville, Iowa, and vicinity, favoring the enactment of House bill 11410, to amend the national prohibition act; to the Committee on the Judiciary.

7735. By Mr. LINDSAY: Petition of Brooklyn Letter Carriers Association, Clerks of Union Post Office, William F. Kiernan, S. Oranski, Jos. Fogarty, C. A. Miller, Isadore Tinowitsky, Wallace L. Taylor, Louis Hackert, Charles Yost, Patrick Finn, George Young, S. Steenson, Abe Bernstein, and T. Frandon, all of Brooklyn, N. Y., and the New York Federation of Post Office Clerks, New York, N. Y., urging favorable vote to override presidential veto of the Sproul bill; to the Committee on the Post Office and Post Roads.

7736. By Mr. O'CONNELL: Petition of the Chamber of Commerce of the State of New York, opposing the passage of the Senate Joint Resolution 46, Muscle Shoals; to the Committee on Military Affairs.

7737. Also, petition of the Chamber of Commerce of the State of New York, favoring the passage in general of House bill 10802, to amend section 3 and section 484 of the tariff act of 1922 by adding certain language; to the Committee on Ways and Means.

7738. Also, petition of the American Association of Creamery Butter Manufacturers, Washington, D. C., favoring the passage of House bill 10958, amending the oleomargarine law; to the Committee on Agriculture.

7739. By Mr. YATES: Petition of Donald M. Wood, of Chicago, Ill., opposing House bills 13200, 13201, and 13203, which bills prohibit the removal of cases from State to Federal courts because of diversity of citizenship; to the Committee on the Judiciary.

7740. Also, petition from citizens of Chicago, Ill., urging the passage of House bill 11998, being a bill prohibiting experiments on living dogs; to the Committee on the Judiciary.

SENATE

TUESDAY, May 22, 1928

(Legislative day of Thursday, May 3, 1928)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

EVENING SESSION FOR MUSCLE SHOALS CONFERENCE REPORT

Mr. JOHNSON obtained the floor.

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

Mr. JOHNSON. For what purpose?

Mr. NORRIS. I want to submit a unanimous-consent agreement. I will say to the Senator, however, that I think under the request I am going to make it will be necessary to have a quorum called.

Mr. JOHNSON. I simply do not want to lose the floor; that is all.

Mr. NORRIS. No; I shall not try to take the floor from the Senator.

I ask unanimous consent that at not later than 5 o'clock this afternoon the Senate take a recess until 7.30 o'clock p. m.; that at the evening session there shall be no business considered except the conference report on the Muscle Shoals resolution (S. J. Res. 46); that at not later than 10.30 o'clock p. m., the Senate will vote on the conference report; and that at the conclusion of business to-night the Senate will take a recess until 11 o'clock a. m. to-morrow.

I think there ought to be a roll call before the request is submitted.

Mr. KING. Mr. President, when the quorum is called I want to make some slight suggestion with reference to the request.

Mr. NORRIS. Very well.

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

The VICE PRESIDENT. The clerk will call the roll.

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

Ashurst	Edwards	McKellar	Sheppard
Barkley	Fess	McLean	Shipstead
Bayard	Fletcher	McMaster	Shortridge
Bingham	George	McNary	Simmons
Black	Gerry	Mayfield	Smith
Blaine	Gillett	Metcalf	Smoot
Blease	Glass	Moses	Steck
Borah	Goff	Neely	Steiwer
Bratton	Greene	Norbeck	Stephens
Brookhart	Hale	Norris	Swanson
Broussard	Harris	Nye	Thomas
Capper	Harrison	Oddie	Tyson
Caraway	Hawes	Overman	Vandenbergh
Copeland	Hayden	Phipps	Wagner
Couzens	Hedlin	Pine	Walsh, Mass.
Curtis	Johnson	Pittman	Walsh, Mont.
Cutting	Kendrick	Reed, Mo.	Warren
Dale	Keyes	Reed, Pa.	Waterman
Deneen	King	Robinson, Ark.	Wheeler
Dill	La Follette	Sackett	
Edge	Locher	Schall	

Mr. GERRY. I wish to announce that the senior Senator from Maryland [Mr. BRUCE] and the junior Senator from Maryland [Mr. TYDINGS] are necessarily detained from the Senate attending the Maryland Democratic State convention.

The VICE PRESIDENT. Eighty-two Senators having answered to their names, a quorum is present. The Senator from Nebraska [Mr. NORRIS] has proposed a unanimous-consent agreement, which the clerk will read.

The CHIEF CLERK. The Senator from Nebraska asks unanimous consent that at not later than 5 o'clock this afternoon the Senate take a recess until 7.30 o'clock p. m.; that at the evening session there shall be nothing considered except the conference report on the Muscle Shoals resolution (S. J. Res. 46); that at not later than 10.30 o'clock p. m. the Senate vote on the conference report; and that at the conclusion of business to-night the Senate take a recess until 11 o'clock a. m. to-morrow.

Mr. BLEASE. Mr. President, I object to taking the vote at 10.30. That is the only part of the request I have objection to. If that part is not changed I shall object to it all.

Mr. NORRIS. I ask the Senator if he would object if, instead of saying that we vote to-night at not later than 10.30 o'clock, we fix the time at 2 o'clock to-morrow?

Mr. BLEASE. I do not know about that. Such a plan has been tried several times before and under it one Senator would occupy the floor during most or all of the time, and nobody else

would have an opportunity to get anything in the RECORD or say anything. I have some telegrams here, and it is a matter of great importance to the people of my State, that I want to submit on this question. I want to justify my own vote; but I represent the people who sent me here in the matter and I feel that it is my duty to make this objection.

Mr. SACKETT. Mr. President, I would like to suggest instead of fixing the hour at 10.30 o'clock for the vote that we hold the session merely for a discussion of the conference report and see how we get along, and at the end of to-night's session see if we can agree upon a time to vote.

Mr. HEFLIN. And fix a time to vote this evening?

Mr. SACKETT. Yes; try to agree to-night upon a time to vote. The only point is to give everybody who wants it an opportunity to be heard.

Mr. NORRIS. I do not want to curtail anybody, but of course everyone knows that most of the Senators are extremely anxious to get away. If we prolong debate on the conference report it may interfere with their wishes.

Mr. SACKETT. I appreciate that; but in a three hours' session one Senator may use a great deal, if not all, of the time. I have no desire to filibuster on the conference report at all, but I do want to be heard on it.

Mr. NORRIS. I will submit the request, omitting from it the taking of the vote.

Mr. METCALF. I suggest that the Senator modify the request so that we can come back at 8 o'clock to-night instead of 7.30.

Mr. JOHNSON. And let us remain in session this afternoon until 5.30 rather than 5 o'clock.

Mr. NORRIS. I am willing to make that change. I am willing that the Senate shall remain in session until not later than 5.30 o'clock, and that the evening session shall commence at 8 o'clock and run until not later than 10.30.

Mr. KING. I will not ask to make it a sine qua non to the agreement, but some of us have important committees meeting to-morrow morning. As Senators know, we are trying to conclude the calendars in our committees. If we might come here at 12 o'clock to-morrow, I would have no objection to the request.

Mr. JOHNSON. Oh, let it go at 11 o'clock.

Mr. KING. I do not want to object at all, but I would be very glad if the Senator would make it 12 o'clock noon to-morrow.

Mr. NORRIS. I realize that the committees are busy, but we shall have to curtail some things in order to make progress with important measures before the Senate; and we must dispose of the conference reports if we are going to get along with the business of the Senate.

Mr. SMITH. May I join with the Senator from Utah and ask that, if possible, at least for to-morrow morning, we postpone the meeting of the Senate until 12 o'clock noon. There are some very important committees that are to meet to-morrow, and I think it would expedite matters if they were allowed to-morrow until 12 o'clock instead of 11.

Mr. MOSES. Mr. President, it is very apparent that we can not get an agreement by a mass meeting on the floor of the Senate; therefore I object. In the meantime it is possible that an agreement can be worked out.

Mr. NORRIS. Would the Senator from New Hampshire object if we should meet at 12 o'clock to-morrow?

Mr. MOSES. What I am objecting to is attempting in this way, by a mass meeting on the floor of the Senate, to work out a unanimous-consent agreement that can be done otherwise. Let the Senator proceed in the usual way with a unanimous-consent agreement and let us have an opportunity to go on with the measure that is now before the Senate.

Mr. NORRIS. Mr. President, I ask unanimous consent that at not later than 5.30 o'clock this afternoon the Senate take a recess until 8 o'clock p. m.; that at the evening session the conference report on the Muscle Shoals joint resolution (S. J. Res. 46) be taken up and considered; that the evening session shall not extend beyond 10.30 p. m.; and that at the conclusion of the evening session the Senate take a recess until 12 o'clock meridian to-morrow.

The VICE PRESIDENT. Is there objection?

Mr. BINGHAM. I object.

Mr. MOSES. If that is going to leave the Muscle Shoals conference report in the same status when we meet at 12 o'clock to-morrow as when we quit at 10.30 o'clock to-night, of course the Senator from California can not agree to it.

The VICE PRESIDENT. There is objection.

Mr. CURTIS subsequently said: Mr. President, I ask unanimous consent that the order which I send to the desk may be entered.

The PRESIDENT pro tempore. The proposed unanimous-consent agreement will be read.

The legislative clerk read as follows:

It is agreed by unanimous consent that at not later than 5.30 o'clock this afternoon the Senate take a recess until 8 o'clock p. m.; that at the evening session there shall be nothing considered except the conference report on the Muscle Shoals resolution (S. J. Res. 46); and that at not later than 10.30 o'clock p. m. the Senate take a recess until 12 o'clock meridian to-morrow.

The PRESIDENT pro tempore. Is there objection?

Mr. JOHNSON. Does the Senator from Kansas insist that we shall not meet before 12 o'clock to-morrow? I certainly want to be accommodating to everybody.

Mr. CURTIS. Two or three Senators have said they would object if we proposed to meet at 11 o'clock, and four or five others have asked that the hour of meeting be made 12 o'clock.

Mr. HEFLIN. Mr. President, I would like to say to the Senator from California that there are important committee meetings in the morning, probably the last committee meetings we will have.

Mr. JOHNSON. To-morrow?

Mr. CURTIS. Yes.

Mr. JOHNSON. Does the Senator from Alabama ask that the hour be made 12 o'clock instead of 11?

Mr. HEFLIN. I would prefer it.

Mr. JOHNSON. I shall make no objection if that be the universal desire.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the unanimous-consent agreement is entered into.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the following bills and joint resolution of the Senate:

S. 1284. An act amending the act approved April 30, 1926, entitled "An act amending the act entitled 'An act providing for a comprehensive development of the park and playground system of the National Capital,' approved June 6, 1924";

S. 1369. An act to authorize and direct the survey, construction, and maintenance of a memorial highway to connect Mount Vernon, in the State of Virginia, with the Arlington Memorial Bridge across the Potomac River at Washington;

S. 2327. An act to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes;

S. 2370. An act to amend section 24 of the immigration act of 1917;

S. 2542. An act for the construction of a private conduit across Lincoln Road NE., in the District of Columbia;

S. 2823. An act amending the statutes of the United States with respect to reissue of defective patents;

S. 2972. An act for the further protection of fish in the District of Columbia, and for other purposes;

S. 3693. An act authorizing the city of Council Bluffs, Iowa, and the city of Omaha, Nebr., or either of them, to construct, maintain, and operate a free highway bridge across the Missouri River between Council Bluffs, Iowa, and Omaha, Nebr.; and

S. J. Res. 97. Joint resolution authorizing the President to appoint three delegates to the Twenty-third International Congress of Americanists and making an appropriation for the expenses of such congress.

The message also announced that the House had passed the following bills and joint resolution of the Senate, severally with an amendment, in which it requested the concurrence of the Senate:

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

S. 3808. An act to authorize the construction of a temporary railroad bridge across Bogue Chitto River at or near a point in township 5 south, range 13 east, St. Helena meridian, St. Tammany Parish, La.; and

S. J. Res. 5. Joint resolution to grant a preference to the wives and minor children of alien declarants in the issuance of immigration visas.

The message further announced that the House had passed the bill (S. 2535) granting to the State of New Mexico certain lands for reimbursement of the counties of Grant, Luna, Hidalgo, and Santa Fe for interest paid on railroad-aid bonds and for the payment of the principal of railroad-aid bonds issued by the town of Silver City and to reimburse said town for interest paid on said bonds, and for other purposes, with

amendments, in which it requested the concurrence of the Senate.

The message also announced that the House insisted upon its amendments to the bill (S. 4235) to amend section 12 of the act entitled "An act to provide more effectively for the national defense by increasing the efficiency of the Air Corps of the Army of the United States, and for other purposes," approved July 2, 1926, disagreed to by the Senate, agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. JAMES, Mr. WAINWRIGHT, and Mr. McSWAIN were appointed managers on the part of the House at the conference.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H. R. 971) for the relief of James K. P. Welch.

The message also announced that the House had agreed to the concurrent resolution (S. Con. Res. 20) requesting the President of the United States to return to the Senate the bill (S. 3752) to amend section 3 of an act entitled "An act authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes," approved March 12, 1926.

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

H. R. 393. An act to provide for the fifteenth and subsequent decennial censuses;

H. R. 496. An act authorizing an appropriation for development of potash jointly by the Department of Agriculture and the Department of Commerce by improved methods of recovering potash from deposits in the United States;

H. R. 7200. An act to amend section 321 of the Penal Code;

H. R. 7346. An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment thereon in claims which the Winnebago Tribe of Indians may have against the United States, and for other purposes;

H. R. 8327. An act for the relief of certain members of the Navy and Marine Corps who were discharged because of misrepresentation of age;

H. R. 9297. An act authorizing the adjustment of the boundaries of the Olympic National Forest, Wash., and for other purposes;

H. R. 9778. An act to amend an act entitled "An act providing for the revision and printing of the index to the Federal Statutes," approved March 3, 1927;

H. R. 10073. An act to change the name of Railroad Avenue between Nichols Avenue and Massachusetts Avenue;

H. R. 10157. An act making an additional grant of lands for the support and maintenance of the Agricultural College and School of Mines of the Territory of Alaska, and for other purposes;

H. R. 10435. An act providing for the extension of the time limitations under which patents were issued in the case of persons who served in the military or naval forces of the United States during the World War;

H. R. 11285. An act to establish Federal prison camps;

H. R. 11468. An act authorizing the Secretary of the Interior to execute an agreement or agreements with drainage district or districts providing for drainage, and reclamation of Kootenai Indian allotments in Idaho within the exterior boundaries of such district or districts that may be benefited by the drainage and reclamation work, and for other purposes;

H. R. 11471. An act extending the time of construction payments on the Rio Grande Federal irrigation project, New Mexico-Texas;

H. R. 12064. An act to discontinue certain reports now required by law to be made annually to Congress;

H. R. 12113. An act providing for the acquirement by the United States of privately owned lands situated within certain townships in the Lincoln National Forest, in the State of New Mexico, by exchanging therefor lands on the public domain, also within such State;

H. R. 12203. An act to authorize the designation and bonding of persons to act for disbursing officers and others charged with the disbursement of public money of the United States;

H. R. 12236. An act to provide an appropriation for the payment of claims of persons who suffered property damage, death, or personal injury due to the explosion at the naval ammunition depot, Lake Denmark, N. J., July 10, 1926;

H. R. 12250. An act to amend section 574, title 28, United States Code;

H. R. 12879. An act to repeal section 1445 of the Revised Statutes of the United States;

H. R. 12894. An act to extend the times for commencing and completing the construction of an overhead viaduct across the Mahoning River at or near Niles, Ohio;

H. R. 12938. An act for the relief of the State of Ohio;

H. R. 13109. An act to protect trade-marks used in commerce, to authorize the registration of such trade-marks, and for other purposes;

H. R. 13141. An act authorizing T. S. Hassell, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Tennessee River at or near Clifton, Wayne County, Tenn.;

H. R. 13143. An act to adjust the compensation of certain employees in the Customs Service;

H. R. 13203. An act granting the consent of Congress to the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Burnside, Pulaski County, Ky.;

H. R. 13380. An act authorizing D. T. Hargraves and John W. Dulaney, their heirs, legal representatives, and assigns to construct, maintain, and operate a bridge across the Mississippi River at or near Helena, Ark.;

H. R. 13484. An act authorizing preliminary examination of sundry streams with a view to the control of their floods, and for other purposes;

H. R. 13621. An act to authorize preparation and publication of supplements to the Code of Laws of the United States with perfecting amendments, printing of bills to codify the laws relating to the District of Columbia and of such code and of supplements thereto, and for distribution;

H. R. 13645. An act to establish two United States narcotic farms for the confinement and treatment of persons addicted to the use of habit-forming narcotic drugs who have been convicted of offenses against the United States, and for other purposes;

H. J. Res. 243. Joint resolution to provide for the striking of a medal commemorative of the achievements of Thomas A. Edison in illuminating the path of progress through the development and application of inventions that have revolutionized civilization in the last century; and

H. J. Res. 268. Joint resolution requesting the President to negotiate with the nations with which there is no such agreement treaties for the protection of American citizens of foreign birth or parentage from liability to military service in such nations.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the Vice President:

S. 1661. An act 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;

S. 4229. An act to extend the time for completing the construction of a bridge across the Mississippi River near and above the city of New Orleans, La.;

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

S. 4448. An act 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;

H. R. 7373. An act 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;

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. R. 9495. 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;

H. R. 11338. An act 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.;

H. R. 11990. An act to authorize the leasing of public lands for use as public aviation fields;

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.

LANDS IN NEW MEXICO

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 2535) granting to the State of New Mexico certain lands for reimbursement of the counties of Grant, Luna, Hidalgo, and Santa Fe for interest paid on railroad-aid bonds, and for the payment of the principal of railroad-aid bonds issued by the town of Silver City and to reimburse said town for interest paid on said bonds, and for other purposes, which were, on page 1, line 4, to strike out the words "four hundred" and insert "two hundred and fifty"; and on page 2, line 9, to strike out the words "four hundred" and insert "two hundred and fifty."

Mr. BRATTON. I move that the Senate concur in the House amendments to the bill.

The motion was agreed to.

BRIDGE ACROSS BOGUE CHITTO RIVER, LA.

The PRESIDENT pro tempore laid before the Senate the amendment of the House to the bill (S. 3808) to authorize the construction of a temporary railroad bridge across Bogue Chitto River at or near a point in township 5 south, range 13 east, St. Helena meridian, St. Tammany Parish, La., which was, on page 2, line 2, after "1926," to insert "Provided, That if the bridge authorized by this act shall at any time be abandoned and no longer used for railroad purposes, the same shall be removed from the river by the Lamar Lumber Co. (Inc.), or its assigns, at its or their own expense."

Mr. STEPHENS. I move that the Senate agree to the amendment of the House.

The motion was agreed to.

SITE OF FORT WAYNE, MICH., AS PUBLIC PARK

Mr. VANDENBERG. I wish to present very important petitions with a very brief word of explanation. The city of Detroit in particular and the State of Michigan in general, backed in turn by national patriotic societies, are very deeply interested in the preservation of old Fort Wayne, on the banks of the Detroit River, which is one of the last historic shrines available to commemorate the birth, defense, and development of the Northwest Territory.

There are bills pending in committees providing for the designation of Fort Wayne as a national park and museum by legislative action. If these fail, we shall hope for presidential designation if that be the only alternative. We can not afford to sacrifice this heirloom.

I present resolutions on the subject by the Continental Congress of the Daughters of the American Revolution, resolutions by the board of supervisors of Wayne County, and a brief historical summary of the vivid story of Fort Wayne, which I ask to have printed in the RECORD and referred to the Committee on Public Lands and Surveys.

There being no objection, the matter indicated was ordered to be printed in the RECORD and referred to the Committee on Public Lands and Surveys, as follows:

Resolutions adopted by the Continental Congress of the Daughters of the American Revolution asking the preservation of Fort Wayne, at Detroit, Mich.

Whereas it is important that we preserve to posterity the traditions of patriotism which have inspired Americans to noble deeds of service to God and country since the founding of our Republic; and

Whereas there is no body of men or women to whom the duty of commemorating the great Revolutionary patriots more fittingly belongs than the Daughters of the American Revolution; and

Whereas in 1842 the United States Government established on the banks of the Detroit River, in the county of Wayne, State of Michigan, a military fort named in honor of one of America's most celebrated soldier-patriots, Gen. Anthony Wayne; and

Whereas Fort Wayne has continually since that time stood as a bulwark for the protection of American liberty and as a signal that our Government is ready at all times to take the field in defense of her principles or territorial integrity; and

Whereas Fort Wayne has become associated in the hearts of all true citizens of America as a historic landmark, significant of the spirit of our resolute forefathers, whose heroic deeds made possible an American Nation, dedicated to peace and freedom; and

Whereas the Federal Government now proposes to sell the site of this historic fort, thereby risking the loss of the most outstanding landmark commemorating the early battles for the preservation of the Union; and

Whereas Representative CLARENCE J. McLEOD, of Michigan, has introduced in the Seventieth Congress a bill, known as H. R. 12001, to provide for the preservation of Fort Wayne by the Federal Government as a national park and museum for historic relics pertaining to the winning of the Northwest Territory: Be it, therefore,

Resolved, That the Thirty-seventh Continental Congress, National Society Daughters of the American Revolution, most heartily urge the Congress of the United States to enact the above-mentioned bill, and respectfully suggest to the President of the United States the wisdom and justice of exercising the powers which now are or may hereafter be vested in him, to maintain Fort Wayne as a public park.

Resolutions petitioning Congress to make a national park and museum at Fort Wayne, adopted by the board of supervisors, county of Wayne, State of Michigan

To the Honorable the Seventieth Congress of the United States, greetings:

Whereas it is the sense of this board of supervisors for the county of Wayne that the traditions that furnish the background for the fine patriotism of the American people should be cherished and zealously protected from the undermining influences of time in its passage; and

Whereas the site of Fort Wayne, located on the Detroit River and now within the corporate limits of the city of Detroit, has become associated in the hearts of the citizens of Wayne County and the State of Michigan as a historic landmark, significant of the pioneer struggle of our forefathers to maintain the ideals of the Republic which we now proudly proclaim as our own; and

Whereas the site of this fort was first used as a camping ground for troops assembling for the Black Hawk War in 1831 and the patriot war in 1838, and was in 1842 selected as the location for a permanent national fortification; and

Whereas upon its completion in 1851 said fort was named in honor of Maj. Gen. Anthony Wayne, a most distinguished soldier and patriot and the commanding general of the United States Army from 1792 to 1796 and whose name this county bears; and

Whereas since December 15, 1861, Fort Wayne had been continually occupied as a military post of the United States Army until its recent evacuation, as ordered by the War Department; and

Whereas by act of Congress the Secretary of War has been authorized to sell this historic military post, preference in the matter of purchase being given to the State of Michigan, the county of Wayne, or the city of Detroit, in the order named, at its appraised value; and

Whereas it is the sentiment of this board that every effort should be made to preserve Fort Wayne as a historic memorial for future generations and as a monument to the early traditions of our country, erected in a great struggle to create and protect for us our present form of government; and

Whereas Representative CLARENCE J. McLEOD, of Michigan, has introduced in the Seventieth Congress a bill, known as H. R. 12001, to provide for the preservation of Fort Wayne as a national park and museum: Therefore be it

Resolved, That we, the undersigned, in behalf of the citizens whom we represent, most heartily urge upon your honorable body and the President of the United States the wisdom and justice of enacting H. R. 12001; and be it further

Resolved, That the Members of Congress representing the State of Michigan be, and they hereby are, urged to use every effort to secure from the Federal Government such action, including the enactment of the above-mentioned bill, as will insure the use in perpetuity of the site of old Fort Wayne as a public park; and be it further

Resolved, That the clerk of this body be, and he hereby is, directed to transmit a copy of this resolution to each Member of Congress representing the State of Michigan.

HISTORIC SKETCH OF FORT WAYNE BY CONGRESSMAN CLARENCE J. McLEOD

Fort Wayne is the last and only remaining representative of the historic forts which have occupied the site of the present city of Detroit. The story of these fortifications would include an important chapter in every struggle in the entire history of the formation and defense of the infant American Republic, which has grown into the powerful United States we claim as our own to-day.

Historians tell us that the desirability of locating a fort at or near Detroit was perceived at an early date.

Fort St. Joseph, or Du Luth, was maintained in this vicinity between the years 1686 to 1689 to secure for the French control of the river, the fur trade of the Northwest, and to keep out the British.

In 1701 Fort Pontchartrain was established here, named in honor of the colonial minister of marine at that time. This fort was partially

burned by the Indians in 1703, rebuilt by Tonty in 1718, and enlarged for the protection of immigrants in 1749.

In 1751 the name of Fort Detroit was adopted instead of Fort Pontchartrain, but the old fort was not destined to descend directly from that point to the city which bears its name to-day. On November 29, 1760, it was surrendered to the British.

In 1778, the fort still in possession of the British, the approach of an American force as far as lower Sandusky caused the building of a new redoubt, and the whole was named Fort Lernoult, in honor of the new builder.

And then came the event which has ever since marked the beginning of the stability of American frontiers and protection to life and property. It was a great joy and relief to the settlers, as well as an important event in the history of our country. On July 11, 1796, Fort Lernoult was evacuated by the British as a result of Gen. Anthony Wayne's victory over the Indians, a short distance to the southwest, and was taken over by the doughty American Colonel Hamtramck and an American force under orders from General Wayne. This victory was received with rejoicing through the entire United States, for it had international significance. It was generally thought that Britain intended to keep her grip on the Northwest Territory, contrary to the terms of the treaty she had signed following the Revolutionary War. The Indians were British allies. Therefore General Wayne's decisive victory over the Indians was regarded as a vigorous and successful effort to bring Great Britain to time and force her to abide by her treaty obligations. It also determined the future of Michigan and Wayne County, the latter being immediately thereafter created and named in honor of the illustrious general, and a few years later the fort was also given his name.

Fort Lernoult was temporarily retaken by the British in 1812, but evacuated again in 1813, occupied by General McArthur, and rechristened Fort Shelby, in honor of the brave Governor of Kentucky.

In 1826 the fort and grounds were given to the city by Congress and have since been lost sight of. From that time on the armed forces of the United States used as the site of their encampment the present site of Fort Wayne, and in 1841 a permanent post was established there.

So Fort Wayne is the only remaining representative of that long series of landmarks which meant so much to the early history of America but which have succumbed to the progress of a modern city, by very much the same process that now threatens Fort Wayne.

These old military posts represent the times in American history when security depended more upon the strength of men than the character of their equipment. They represent a passion for liberty which surmounted all obstacles and clothed self-sacrifice and death with a mantle of immortal glory. They stand for the inauguration of a new era in government. We need only ask ourselves here to-day, "Is the price of American liberty to be compared with a realtor's bid for a piece of property?"

There is something of higher significance in Fort Wayne than its intrinsic value; it is a national heritage. We spend millions to found libraries and build finely carved memorials. We labor hard to print history books which will portray accurately the struggle of our forefathers for American independence in order that our children may have a proper conception of the value of their heritage. We spend millions upon elaborate warships and machinery of defense, professing to realize at the same time that adherence to the spirit of our ancestors in America is still the most important factor in our national defense. Yet here is a bit of the cradle of American democracy in the original wood and finish, designed by our forefathers' very hands, and possessing habiliments rich in American lore. To barter away such an heirloom as Fort Wayne would be sacrilegious on the part of the Federal Government.

Detroit and Wayne County have made known their sentiments to have Fort Wayne preserved and have indicated a willingness to shoulder the burden themselves, if necessary. But they have asked, very reasonably, why they should be required to bear a heavy burden alone, through their patriotism, when the country as a whole will share equally in the fruits of Fort Wayne's preservation.

SHOOTING OF JACOB D. HANSON

Mr. COPELAND. Mr. President, I present a telegram which I have received from Mr. Harry D. Williams, of Buffalo, N. Y., a resolution passed by the Jamestown, N. Y., Lodge of Elks, and also some resolutions passed by the Ancient Order of Hibernians, of Niagara County, N. Y. I ask that the telegram and resolutions be printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the telegram and resolutions were referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

BUFFALO, N. Y., May 22, 1928.

Hon. ROYAL S. COPELAND,

Senate Chamber, Washington, D. C.:

It seems to me that the prosecution of the Coast Guard men who recently shot worse than to death a law-abiding citizen of Niagara Falls upon Lewiston Hill while the victim was innocently proceeding to his home, as he had a constitutionally guaranteed right to do, is of

small importance relatively. This part of the State which you represent has been most fruitful of desperate hold-ups by a class of men who stop at nothing. The highways are no longer safe at night, and this is often too true in daylight. The scene of the shooting is ideal for a night hold-up, and Hanson acted normally under the circumstances. The victim lies helpless, bereft of sight and reason. Is it not better, fanatics to the contrary notwithstanding, that quantity of alcohol shall be unlawfully smuggled in than that one innocent person should be killed, or, as in Hanson's case, worse? I do not advocate any let-up in the reasonable enforcement of our laws, but I do protest against a system which permits Federal employees to exercise their judgment and determine upon the spur of the instant and under excitement whether to shoot at an innocent man whom they suspect may be transporting contraband liquor. All agencies of prohibition enforcement should be limited to obtaining evidence to support a conviction of violations of the law. The Federal Constitution guarantees the life, liberty, and property of every individual, and this represents the spirit of the American people.

HARRY D. WILLIAMS.

Resolution passed by Jamestown, N. Y., Lodge No. 263, at a regular session held May 17, 1928

Whereas a prominent and respected member of this order and the secretary of Niagara Falls Lodge, No. 346, while peacefully and lawfully using the highways of this State and not engaged in any offense against the laws of the State or of the Nation, was shot by Coast Guard officers of the United States, disguised to conceal their official character, on mere suspicion that he might be a prohibition violator; and

Whereas the officers of the Federal Government are shielding and protecting such Coast Guard officers against the execution of a warrant for their arrest, lawfully sworn out by the proper officials of the State of New York, thereby thwarting the lawfully constituted authority of this State, and encouraging and protecting the lawlessness and violence which has characterized prohibition enforcement; Therefore be it

Resolved, That this lodge does demand that the Federal Government shall cease to shield such officers against the due process of law of the State of New York, and shall cease to lend encouragement and aid to lawlessness and violence within this State, and that the Grand Lodge of the Benevolent and Protective Order of Elks attest its loyalty to the principles it teaches by giving to this incident and to the indignation which it has aroused wide publicity; and by reinforcing our local efforts and demands with its active aid and cooperation; and be it further

Resolved, That copies of these resolutions be forwarded to the secretary and exalted ruler of the grand lodge; the exalted ruler of Niagara Falls Lodge, No. 346; and of all other lodges situated in the western district of New York, and that copies be also forwarded to Congressman REED, Senators WAGNER and COPELAND, United States Attorney Richard Templeton, and the district attorney of Niagara Falls County.

The above resolution was moved, duly seconded, and unanimously carried at a session of Jamestown Lodge, No. 263, B. P. O. Elks, held May 17, 1928.

Attest:

[SEAL.]

G. R. BROADBERRY, Secretary.

DIVISION 1, NIAGARA COUNTY, NIAGARA FALLS, N. Y.,

ANCIENT ORDER OF HIBERNIANS IN AMERICA.

Preamble and resolutions condemning the shooting of Jacob D. Hanson, adopted by the Ancient Order of Hibernians of Niagara Falls, N. Y., at their meeting of May 17, 1928

Whereas we, the members of the Ancient Order of Hibernians, in common with all decent law-abiding citizens of the community, have been indescribably shocked and horrified at the ruthless and murderous shooting, and possibly fatal wounding, of Jacob D. Hanson, of this city, on the morning of May 6 in the town of Lewiston, N. Y., while about his lawful business by members of the United States Coast Guard, presumably under the unwarranted and illegal orders of their superior officers, probably dominated by some fanatical higher-ups; and

Whereas numerous shootings, assaults, bullying, and unlawful search and seizures seem to be the common practice of prohibition-enforcement officers and agents in this district, which practice is an arrogant disregard for and an abridgement of the rights and liberties of the American people, and a disgrace to the authorities that order or permit such despicably illegal and un-American methods in the enforcement of prohibition or any other law; Therefore be it

Resolved, That we, the members of the Ancient Order of Hibernians, most indignantly protest and emphatically condemn the shooting of the said Jacob D. Hanson and the shamelessly reckless use of firearms; the unlawful, unjust, and despotic interference with law-abiding citizens, either on the highways, in the streets, their homes, or places of business, and the wanton disregard for life, limb, and property which has been repeatedly shown by overzealous, irresponsible prohibition-enforcement agents, both of the Coast Guard and other governmental service; and we emphatically condemn the atrocious practice of officers and higher-ups in the prohibition-enforcement service of giving orders ille-

gally to their servile and irresponsible tools "to shoot," smash, and bully, irrespective of consequences, under the pretense of enforcing the law; and we urgently hereby request that all such illegal, cowardly, and dishonorable practice be immediately stopped, and that the guilty perpetrators of this dastardly shooting outrage and all other violations of the rights and liberties of the people be immediately punished to the full extent of the law, this to include the officers and higher-ups who gave the illegal orders "to shoot" and who by their countenancing and encouragement of such unwarranted methods are trampling on the rights of the people; and to this end we suggest that all possible efforts be made to bring both the shooters and all others responsible under the immediate jurisdiction of the courts of the State of New York, so that full justice may be done and that no condoning or whitewashing the guilty be permitted, as is apparently the practice of the Federal authorities where prohibition-enforcement officers violate the rights of the people; and as a remedy for this intolerable state of affairs we also hereby request that a thorough investigation of the whole prohibition-enforcement methods be made, with a view to amend or rescind the Volstead monstrosity, which is undermining the moral, physical, and mental abilities of a large proportion of the people and making grafters and bullies of another large portion and is a tyrannically useless burden of taxation on the people: It is further

Resolved, That copies of this be sent to the press for publication, to Senators COPELAND and WAGNER and Congressmen DEMPSEY, MEAD, and MACGREGOR for the most vigorous action within their power.

F. T. KITCHIN,
President.
AMERSE LOMBARD,
Recording Secretary.

WORK OF SENATOR DILL FOR FARM RELIEF

Mr. SHEPPARD. Mr. President, I ask unanimous consent to have printed in the RECORD a letter written by Mr. George N. Peek, chairman of the Agricultural Conference, with offices in Washington, to Mr. A. S. Goss, master of the Washington State Grange, concerning the work and votes of Senator DILL on farm legislation during his term in the Senate.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WASHINGTON, D. C., May 13, 1928.

Mr. A. S. Goss,
Master Washington State Grange,
1007 Weller Street, Seattle, Wash.

MY DEAR MR. GOSS: The farmers of America are now engaged in the most momentous struggle in their history, or at least since the war of 1861-1865.

It is the age-old struggle for economic equality. It is the kind of a struggle that makes or breaks political parties. Therefore the question is bigger than partisan politics. Farmers have followed the practice since 1824 of rewarding their friends in Congress by their support and of defeating their enemies by their opposition, and this regardless of partisan politics.

This is as it should be, so in this connection you must know who are your friends in Congress. Hon. C. C. DILL, United States Senator from your State, has loyally supported the farmers in their fight and should have farmers' support for reelection.

I have written letters similar to this one to farmers in other States on behalf of both Republican and Democratic Members of Congress, so it can not fairly be said that my motives are partisan. If farmers are to secure and retain their proper place in our complicated economic scheme of things, they must place their economic interest above partisanship and stay by their friends.

I am glad to have this opportunity of writing you this letter on behalf of Senator DILL, who has been of great assistance in the fight for farm equality, and I will cheerfully answer any questions you may ask, if I can.

Sincerely yours,

GEORGE N. PEEK.

REPORTS OF COMMITTEES

Mr. SHORTRIDGE, from the Committee on Finance, to which was referred the bill (S. 3258) to amend section 300 of the World War veterans' act, 1924, as amended, reported it without amendment and submitted a report (No. 1256) thereon.

Mr. EDGE, from the Committee on Finance, to which was referred the bill (S. 4075) to adjust the compensation of certain employees in the customs service, reported it without amendment and submitted a report (No. 1257) thereon.

Mr. STEIWER, from the Committee on the Judiciary, to which was referred the joint resolution (H. J. Res. 77) concerning lands and property devised to the Government of the United States of America by Wesley Jordan, deceased, late of the township of Richland, county of Fairfield, and State of Ohio, reported it without amendment and submitted a report (No. 1258) thereon.

Mr. REED of Pennsylvania, from the Committee on Finance, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 2355) to remit the duty on a carillon of bells to be imported for Princeton University, Princeton, N. J. (Rept. No. 1259); and

A bill (S. 2907) to remit the duty on a carillon of bells to be imported for the Swedish Lutheran Church, Providence, R. I. (Rept. No. 1260).

Mr. REED of Pennsylvania also, from the Committee on Finance, to which was referred the bill (S. 793) to remit the duty on a carillon of bells imported for Grace Church, Plainfield, N. J., reported it with amendments and submitted a report (No. 1261) thereon.

Mr. SHEPPARD (for Mr. DALE), from the Committee on Commerce, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 4474) authorizing the South Carolina and the Georgia State Highway Departments to construct, maintain, and operate a toll bridge across the Savannah River at or near Burtons Ferry, near Sylvania, Ga. (Rept. No. 1264); and

A bill (S. 4487) authorizing the Uvalda Booster Club, its successors and assigns, to construct, maintain, and operate a bridge across the Altamaha River at or near Towns Bluff Ferry, connecting Montgomery and Jeff Davis Counties, Ga. (Rept. No. 1265).

Mr. McNARY, from the Committee on Commerce, to which was referred the bill (S. 3637) to provide Federal cooperation with the States in devising means to protect valuable shore lands from damaging erosions, and for other purposes, reported it without amendment and submitted a report (No. 1267) thereon.

Mr. HOWELL, from the Committee on the Library, to which was referred the bill (H. R. 9194) authorizing the Secretary of the Interior to acquire land and erect a monument on the site of the battle between the Sioux and Pawnee Indian Tribes in Hitchcock County, Nebr., fought in the year 1873, reported it with amendments.

ENROLLED BILLS PRESENTED

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

S. 4229. An act to extend the time for completing the construction of a bridge across the Mississippi River near and above the city of New Orleans, La.;

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

S. 4448. An act 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.

HOSPITALIZATION OF WORLD WAR VETERANS

Mr. SMOOT. Mr. President—

Mr. JOHNSON. I yield to the Senator from Utah.

Mr. SMOOT. From the Committee on Finance I report back favorably, with an amendment, the bill (H. R. 12821) to authorize an appropriation to provide additional hospital, domiciliary, and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended, and for other purposes, and I submit a report (No. 1255) thereon. I ask unanimous consent for the immediate consideration of the bill.

Mr. ROBINSON of Arkansas. I hope that the request will be granted.

Mr. NORRIS. I hope the Senator from New Hampshire will not object if he hears that unanimous consent is requested for its consideration.

Mr. SMOOT. If the bill shall lead to any discussion I will withdraw the request.

Mr. REED of Pennsylvania. Will the Senator from Utah yield to me?

Mr. SMOOT. I yield.

Mr. REED of Pennsylvania. This bill is reported in exactly the form in which it passed the House, with an amendment to correct one description in the State of Georgia, which does not change the sense of the bill in any way. The bill is extremely important and in the interest of the hospitalization of veterans, and it should pass at this session.

Mr. ROBINSON of Arkansas. I do not think the Senate can adjourn sine die until this bill shall have been passed.

Mr. JOHNSON. There is no objection to it.

The VICE PRESIDENT. Is there objection to the consideration of the bill? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Finance with an amendment, on page 5, line 4, after the name "DeKalb," to strike out "city of Atlanta," so as to make the bill read:

Be it enacted, etc., That in order to provide sufficient hospital, domiciliary, and out-patient dispensary facilities to care for the increasing load of mentally afflicted World War veterans and to enable the United States Veterans' Bureau to care for its beneficiaries in Veterans' Bureau hospitals rather than in contract temporary facilities and other institutions, the Director of the United States Veterans' Bureau, subject to the approval of the President, is hereby authorized to provide additional hospital, domiciliary, and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended, by purchase, replacement, and remodeling, or extension of existing plants, and by construction on sites now owned by the Government or on sites to be acquired by purchase, condemnation, gift, or otherwise, of such hospitals, domiciliary, and out-patient dispensary facilities, to include the necessary buildings and auxiliary structures, mechanical equipment, approach work, roads, and trackage facilities leading thereto; vehicles, livestock, furniture, equipment, and accessories; and also to provide accommodations for officers, nurses, and attending personnel; and also to provide proper and suitable recreational centers; and the Director of the United States Veterans' Bureau is authorized to accept gifts or donations for any of the purposes named herein. Such hospital and domiciliary plants to be constructed shall be of fireproof construction, and existing plants purchased shall be remodeled to be fireproof, and the location and nature thereof, whether for domiciliary care or the treatment of tuberculosis, neuropsychiatric, or general medical and surgical cases, shall be in the discretion of the Director of the United States Veterans' Bureau, subject to the approval of the President.

SEC. 2. The construction of new hospitals, domiciliary facilities, or dispensaries, or the replacement, extension, alteration, remodeling, or repair of all hospitals, domiciliary facilities, or dispensaries heretofore or hereafter constructed shall be done in such a manner as the President may determine, and he is authorized to require the architectural, engineering, constructing, or other forces of any of the departments of the Government to do or assist in such work, and to employ individuals and agencies not now connected with the Government, if in his opinion desirable, at such compensation as he may consider reasonable.

SEC. 3. For carrying into effect the preceding sections relating to additional hospitals and domiciliary and out-patient dispensary facilities there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$15,000,000, to be immediately available and to remain available until expended. That not to exceed 3 per cent of this sum shall be available for the employment in the District of Columbia and in the field of necessary technical and clerical assistants at the customary rates of compensation, exclusively to aid in the preparation of the plans and specifications for the projects authorized herein and for the supervision of the execution thereof, and for traveling expenses, field-office equipment, and supplies in connection therewith.

SEC. 4. The President is further authorized to accept from any State or other political subdivision, or from any corporation, association, individual, or individuals, any building, structure, equipment, or grounds suitable for the care of the disabled, with due regard to fire or other hazards, state of repair, and all other pertinent considerations, and to designate what department, bureau, board, commission, or other governmental agency shall have the control and management thereof.

SEC. 5. The director is hereby authorized to construct and maintain on hospital reservations of the bureau garages for the accommodation of privately owned automobiles of employees at such hospitals. Employees using such garages shall make such reimbursement therefor as the director may deem reasonable. Money received from the use of such garages shall be covered into the Treasury of the United States as miscellaneous receipts.

SEC. 6. The Director of the United States Veterans' Bureau is hereby authorized to sell at private sale not more than 50 acres of the hospital reservation of the United States Veterans' Hospital No. 93, Legion, Tex., the size, price, and location thereof to be determined by the director.

SEC. 7. The Director of the United States Veterans' Bureau is hereby authorized to have appraised and, after advertisement, to sell to the highest bidder or bidders, as a whole or in parcels in his discretion and on such terms as he may deem proper, the United States Veterans' Bureau hospital reservation in the county of DeKalb, State of Georgia, acquired by the United States by deed dated April 15, 1920, and to make, execute, and deliver all needful conveyances. The director shall have the right to reject any and all bids. The net proceeds of such sale or sales shall be covered into the Treasury of the United States as miscellaneous receipts.

SEC. 8. Section 4 of the act entitled "An act to authorize an appropriation to provide additional hospital and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924," approved March 3, 1925 (U. S. C., title 38, sec. 438), is hereby repealed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

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

The bill was read the third time and passed.

ANNUAL REUNION OF UNITED CONFEDERATE VETERANS, ETC.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from California yield to me?

Mr. JOHNSON. I yield to the Senator.

Mr. ROBINSON of Arkansas. Mr. President, recently the annual reunion of United Confederate Veterans, and an organization akin to it, the Sons of Confederate Veterans, assembled in the city of Little Rock, Ark. Congress by special act authorized the presence there and participation in concerts of the Marine Band. A resolution was adopted by that reunion expressing to the President and to the Congress the thanks of the organization for the courtesy extended and the pleasure realized from the concerts by the Marine Band. I ask leave to have that resolution printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Resolution

Whereas Calvin Coolidge, President of the United States of America, in expressing his regrets at being unable to accept an invitation extended him by the United Confederate Veterans and the Sons of Confederate Veterans to attend the sessions of the thirty-eighth annual reunion, held in Little Rock, Ark., May 8-11, 1928, portrayed a most wonderful and magnanimous attitude toward the South, and especially toward the fast-fading lines of those who wore the gray; and

Whereas the attitude of the United States Congress in making an appropriation to defray the expenses in sending the United States Marine Band officially to us on this occasion without a single dissenting vote and without objection so beautifully reflects the altruistic spirit that dominates the Nation's thoughts and demonstrates to the world that we as a nation stand one and inseparable under the Star-Spangled Banner for a united democracy of the people, by the people, and for the people that shall not perish from the earth; Therefore be it

Resolved, That the Sons of Confederate Veterans in convention assembled in the War Memorial Building in the city of Little Rock, Ark., express our unanimous and heartiest appreciation:

First. To President Coolidge for his most gracious letter in reply to invitations both from the veterans and the sons to be the guest of the United Confederate Veterans and allied organizations now in convention assembled;

Second. To Congress for its action in sending to us the United States Marine Band to further cheer, comfort, and make happy the scattered remnants of the southern armies;

Third. To Senator JOSEPH T. ROBINSON, Senator T. H. CARAWAY, Congressman RAGON, and to each Congressman from Arkansas, singly and collectively, for their splendid work in securing the passage of this bill through Congress; and be it further

Resolved, That a copy of these resolutions be transmitted to President Coolidge, a copy to the Congress of the United States, a copy to the Arkansas delegation through Senator ROBINSON, and a copy sent immediately to the United Confederate Veterans now assembled at Camp Foster, Little Rock, Ark.

Respectfully submitted.

JOHN L. CARTER,

Commander Arkansas Division, S. C. V.

Unanimously adopted by a standing vote this the 10th day of May, 1928.

WALTER L. HOPKINS,
Adjutant in Chief, S. C. V.

OHIO RIVER BRIDGE NEAR CUMBERLAND, W. VA.

Mr. NELLY. Mr. President, will the Senator from California yield to me?

Mr. JOHNSON. I yield to the Senator from West Virginia.

Mr. NELLY. I ask unanimous consent for the present consideration of the bill (H. R. 5475) authorizing the New Cumberland Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near New Cumberland, W. Va. It will lead to no discussion, and if it should not pass it will prevent the prosecution of a very important public work.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DISTRICT COURT, NORTHERN DISTRICT OF TEXAS

Mr. KING. From the Committee on the Judiciary I report favorably with amendments the bill (S. 3864) to create a new division of the district court of the United States for the northern district of Texas.

Mr. MAYFIELD subsequently said: Mr. President—

Mr. JOHNSON. I yield to the Senator from Texas.

Mr. MAYFIELD. I ask unanimous consent to consider the bill which was reported a few minutes ago from the Judiciary Committee by the Senator from Utah [Mr. KING]. It is a matter local to the State of Texas and will not lead to any debate at all.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments, on page 1, line 6, before the word "embraced," to insert "now," and in the same line, after the word "embraced," to strike out "on the 1st day of July, 1928," so as to make the bill read:

Be it enacted, etc., That there is hereby created, in addition to those now provided by law, a new division of the District Court of the United States for the Northern District of Texas, which shall include the territory now embraced in the counties of Bailey, Borden, Lamb, Floyd, Kent, Motley, Hale, Dickens, Crosby, Lubbock, Scurry, Hockley, Cochran, Yoakum, Terry, Lynn, Garza, Dawson, and Gaines, which shall constitute the Lubbock division of said district. Terms of the district court for the Lubbock division shall be held at Lubbock on the third Monday in May and the second Monday in December: *Provided*, That suitable accommodations for holding court at Lubbock shall be provided by the county or municipal authorities without expense to the United States.

The clerk of the court for the northern district shall maintain an office in charge of himself or a deputy, in addition to the places now provided, at Lubbock, which shall be kept open at all times for the transaction of the business of the court.

Sec. 2. All laws and parts of laws in conflict herewith are hereby repealed.

The amendments were agreed to.

Mr. REED of Pennsylvania. Mr. President, may we have an explanation of the bill?

Mr. KING. I reported the bill from the committee. In a word, it provides for a division of the northern judicial district in the State of Texas so as to segregate a number of counties from an existing division and permits the holding of court in those counties which have been detached.

Mr. REED of Pennsylvania. The reasons for doing so are not political, but are necessary in the administration of the courts?

Mr. KING. They are not at all political. The bill is recommended by the Department of Justice.

Mr. REED of Pennsylvania. Very well.

The bill was reported to the Senate as amended, and the amendments were concurred in.

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

FUNERAL EXPENSES OF WORLD WAR VETERANS

Mr. REED of Pennsylvania. Mr. President—

Mr. JOHNSON. I yield to the Senator from Pennsylvania.

Mr. REED of Pennsylvania. Mr. President, I hope the request I am about to make will not be too much of a tax on the patience of the Senator from California, whose patience has already been taxed to the limit, I know.

From the Committee on Finance I report back favorably, without amendment, the bill (S. 2372) to amend section 201, subdivision (1), of the World War veterans' act, 1924, as amended, and I submit a report (No. 1254) thereon.

The bill provides that the Director of the Veterans' Bureau shall not be required to deduct from the \$100 funeral allowance given to veterans the amount which States and municipalities themselves may contribute to such funeral expense. By a ruling of the Comptroller General the Federal allowance has been required to be reduced by the amount which States or cities may contribute to a veteran's funeral. I know the Congress never meant that to be done.

The bill also corrects a ruling of the Comptroller General to the effect that the cheapest money bid offered by an undertaker must be accepted regardless of the facilities which a higher bidder may offer in the way of ministers' services, music, and other accompaniments that go to make a dignified funeral. As the amount of the funeral allowance can not in any case exceed \$100, the Senate will readily see that no

extravagance is contemplated. The bill has the unanimous approval of the Finance Committee and also of the Veterans' Bureau. I ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That section 201, subdivision (1), of the World War veterans' act, 1924, as amended, is hereby amended to read as follows:

"(1) If death occur or shall have occurred subsequent to April 6, 1917, and before discharge or resignation from the service, the United States Veterans' Bureau shall pay for burial and funeral expenses and the return of body to his home a sum not to exceed \$100, as may be fixed by regulation. Where a veteran of any war, including those women who served as Army nurses under contracts between April 21, 1898, and February 2, 1901, who was not dishonorably discharged, dies after discharge or resignation from the service and does not leave assets which, in the judgment of the director, should be applied to meet the expenses of burial and funeral and the transportation of the body (the decision of the director to be binding for all purposes), the United States Veterans' Bureau shall pay the following sums: For a flag to drape the casket, and after burial to be given to the next of kin of the deceased, a sum not exceeding \$7; also, for burial and funeral expenses and transportation of the body (including preparation of the body) to the place of burial, a sum not exceeding \$100 to cover such items and to be paid to such person or persons as may be fixed by regulations: *Provided*, That when such person dies while receiving from the bureau compensation or vocational training, the above benefits shall be payable in all cases: *Provided further*, That where such person, while receiving from the bureau medical, surgical, or hospital treatment, or vocational training, dies away from home and at the place to which he was ordered by the bureau, or while traveling under orders of the bureau, the above benefits shall be payable in all cases and in addition thereto the actual and necessary cost of the transportation of the body of the person (including preparation of the body) to the place of burial, within the continental limits of the United States, its Territories, or possessions, and including also, in the discretion of the director, the actual and necessary cost of transportation of an attendant: *Provided further*, That no accrued pension, compensation, or insurance due at the time of death shall be deducted from the sum allowed: *And provided further*, That the director may, in his discretion, make contracts for burial and funeral services within the limits of the amounts allowed herein without regard to the laws prescribing advertisement for proposals for supplies and services for the United States Veterans' Bureau: *And provided further*, That the provisions of section 3709, Revised Statutes, shall not be applied to contracts for burial and funeral expenses heretofore entered into by the director so as to deny payment for services rendered thereunder: *And provided further*, That no deduction shall be made from the sum allowed because of any contribution toward the burial which shall be made by any State, county, or municipality, but the aggregate of the sum allowed plus such contribution or contributions shall not exceed the actual cost of the burial."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DISTRICT JUDGE, NORTHERN DISTRICT OF MISSISSIPPI

Mr. STEPHENS. Mr. President, I ask the Senator from California to yield to me for a moment.

Mr. JOHNSON. I yield to the Senator from Mississippi.

Mr. STEPHENS. I ask unanimous consent for the immediate consideration of the bill (S. 1965) to authorize the appointment of a district judge for the northern district of Mississippi.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the President is hereby authorized to appoint, by and with the advice and consent of the Senate, a judge of the District Court of the United States for the Northern District of Mississippi, who shall reside in such district and whose compensation, duties, and powers shall be the same as now provided by law for other district judges.

Sec. 2. Upon the appointment of such judge, the present judge of the District Courts of the United States for the Northern and Southern Districts of Mississippi shall be the judge of the District Court of the United States for the Southern District of Mississippi. Such judge for the southern district of Mississippi shall reside in such district.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTIONS INTRODUCED

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

By Mr. MOSES:

A bill (S. 4530) granting an increase of pension to Abbie A. Abbott (with accompanying papers); to the Committee on Pensions.

By Mr. SWANSON:

A bill (S. 4531) to improve the birthplace of George Washington at Wakefield, Westmoreland County, Va.; to the Committee on Military Affairs.

By Mr. KENDRICK:

A bill (S. 4532) to provide for the erection of a monument on the site of the Grattan massacre; to the Committee on Military Affairs.

By Mr. CUTTING:

A bill (S. 4533) to increase the minimum salary of deputy United States marshals to \$2,000 per annum; to the Committee on the Judiciary.

By Mr. NORBECK:

A bill (S. 4534) to amend the Federal farm loan act, and for other purposes; to the Committee on Banking and Currency.

By Mr. McNARY:

A bill (S. 4535) authorizing the Secretary of the Interior to grant a patent to certain lands to C. Beecher Scott; to the Committee on Public Lands and Surveys.

A joint resolution (S. J. Res. 160) authorizing appropriations for the establishment and maintenance of an agricultural experiment station in American Samoa; to the Committee on Agriculture and Forestry.

By Mr. MOSES:

A joint resolution (S. J. Res. 161) authorizing the President to invite representatives of foreign governments to attend an international aeronautical conference on civil aeronautics in Washington on December 12, 13, and 14, 1928; to the Committee on Foreign Relations.

By Mr. McMASTER:

A joint resolution (S. J. Res. 162) for the appointment of O. W. Coursey, of South Dakota, as a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers; to the Committee on Military Affairs.

BILL RECOMMITTED

On motion of Mr. HOWELL, the bill (H. R. 9194) authorizing the Secretary of the Interior to acquire land and erect a monument on the site of the battle between the Sioux and Pawnee Indian Tribes in Hitchcock County, Nebr., fought in the year 1873, was ordered recommitted to the Committee on the Library.

AMENDMENTS TO BOULDER DAM BILL

Mr. NEELY submitted an amendment and Mr. HAYDEN submitted sundry amendments intended to be proposed by them to the bill (S. 728) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes, which were ordered to lie on the table and to be printed.

ASSISTANCE FOR INVESTIGATION OF STREET-RAILWAY MERGER IN THE DISTRICT

Mr. CAPPER submitted the following resolution (S. Res. 244), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on the District of Columbia, or any subcommittee thereof, hereby is authorized to employ during the sessions and recesses of the Seventieth Congress such expert assistance as may be deemed advisable to aid said committee, or subcommittee, in a detailed investigation of the plan of street railway merger and the unification agreement therein mentioned as embodied in Senate Joint Resolution 133.

For such purpose there is hereby authorized to be expended a sum not to exceed \$10,000, to be paid from the contingent fund of the Senate upon vouchers properly approved.

PROCEEDINGS AGAINST FILM BOARDS OF TRADE

Mr. WALSH of Montana submitted the following resolution (S. Res. 245), which was referred to the Committee on the Judiciary:

Resolved, That the Senate direct the Committee on the Judiciary to inquire what proceedings are now pending before the courts upon the initiation of the Department of Justice or otherwise, or before the Federal Trade Commission, involving the acts or practices of the Film Boards of Trade; what investigations have been prosecuted leading to such proceedings and the amount expended in the same; what complaints have been made, concerning such acts or practices, with what

diligence and fidelity such complaints have been investigated and proceedings to restrain or punish any unlawful or apparently unlawful acts or practices of the said Film Boards of Trade and the Famous Players-Lasky Corporation or the Famous Players-Lasky-Paramount Corporation, or of the officers, agents, or servants thereof, have been instituted or prosecuted.

INDUSTRIAL PENSIONS FOR OLD AGE AND DISABILITY

Mr. DILL. I ask unanimous consent to have printed as a Senate document some articles from magazines regarding industrial pensions for old age and disability. I may say that I have consulted with the chairman of the Committee on Printing about the matter.

The PRESIDENT pro tempore. Without objection, it is so ordered.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that on May 21, 1928, the President approved and signed the following acts and joint resolution:

S. 766. An act to fix the compensation of registers of local land offices, and for other purposes;

S. 1341. An act to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes;

S. 1828. An act to amend the second paragraph of section 5 of the national defense act, as amended by the act of September 22, 1922, by adding thereto a provision that will authorize the names of certain graduates of the general service schools and of the Army War College, not at present eligible for selection to the General Staff Corps eligible list, to be added to that list;

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

S. 2148. An act to fix standards for hampers, round-stave baskets, and splint baskets for fruits and vegetables, and for other purposes;

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

S. 3365. An act to authorize allotments to unallotted Indians on the Shoshone or Wind River Reservation, Wyo.;

S. 4405. An act authorizing the Detroit River Canadian Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Detroit River at or near Stony Island, Wayne County, State of Michigan; and

S. J. Res. 129. Joint resolution to provide for eradication of pink bollworm and authorizing an appropriation therefor.

REPORT OF THE FEDERAL FARM LOAN BOARD

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to Senate Resolution 215, agreed to May 1, 1928, the eleventh annual report of the Federal Farm Loan Board for the year ended December 31, 1927, which was referred to the Committee on Banking and Currency.

ANNUAL REPORT OF THE BOY SCOUTS OF AMERICA

The PRESIDENT pro tempore laid before the Senate a communication from James E. West, chief scout executive of the Boy Scouts of America, transmitting, pursuant to law, the eighteenth annual report of the Boy Scouts of America, which was referred to the Committee on Education and Labor.

CORRUPT PRACTICES ACTS

Mr. BORAH. Mr. President, a few days ago the Senator from New Mexico [Mr. CUTTING] offered a series of bills dealing with corrupt practices in elections. I have in my hand an article appearing in the St. Louis Post-Dispatch containing a very intelligent discussion of the entire subject covered by the bills introduced by the Senator from New Mexico. I ask that the article may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MEASURES TO CURE FRAUD AND BUYING OF ELECTIONS FRAMED BY SENATOR CUTTING—NEW MEXICO MAN PROPOSES CONSTITUTIONAL AMENDMENTS TO MAKE LEGISLATION POSSIBLE AND TO PREVENT RECURRENCE OF VARE AND SMITH SCANDALS

By Paul Y. Anderson, a Washington correspondent of the St. Louis Post-Dispatch

WASHINGTON, May 19.—An extraordinary program of legislation, designed to end corruption in the election of Presidents and Members of Congress, has been introduced by Senator BRONSON CUTTING, of New Mexico, one of the youngest Senators in the Chamber. It proposes two amendments to the Federal Constitution and three corrupt practices acts.

The acts would limit definitely the amount of money which could be spent lawfully in campaigns, name the purposes for which it would be spent, and establish a fact-finding body to determine whether those restrictions had been obeyed. The first constitutional amendment would give Congress undoubted power to regulate primaries and conventions as well as elections. The second would make ineligible for membership in Congress all candidates who had violated any law governing his nomination or election.

This far-reaching program is a direct outgrowth of the Smith and Vare cases. The proposition of seating Senator elect Frank Smith, of Illinois, was one of the first that came before the Senate after CUTTING became a Member of that body. He was surprised to discover in the course of the debate that, while Smith's election obviously had been attended by corruption on a shocking scale, apparently he had violated no law.

STARTS WORK ON BILLS

CUTTING voted to seat Smith, for the stated reason that the Senate could not logically exclude him so long as it failed to enact legislation which covered such cases. When the debate was over and Smith had been excluded, CUTTING called in several legislative experts and set at work to devise a comprehensive program of legislation which would cover the whole field of corruption in Federal elections.

Like Senator WHEELER, of Montana, CUTTING is a westerner who speaks with a pronounced Harvard accent, and like WHEELER he is bellicosely independent. He is young, wealthy, and owns an influential newspaper in Santa Fe. Prior to coming to the Senate he had used his wealth and his newspaper in supporting various causes and candidates and managed not only to have a rousing good time for himself, but to establish a unique influence throughout the State.

AUTHORITY IS LACKING

Attempts by Congress in the past to enact proper election safeguards have been partially unsuccessful because of doubts as to its constitutional authority. That situation arises from the fact that the makers of the Constitution did not foresee the kind of a political system which has grown up. National conventions, primary elections, national committees, and much of the vast and complicated machinery of politics which exists to-day have come into existence gradually. As CUTTING said to the writer:

"From the beginning all this political machinery has been more private than public. It sets up and dominates the Government, and yet it is largely outside and independent of the Government. This unofficial machinery of politics is largely at the bottom of the disrepute into which representative government has fallen. Most of the evils which menace and discredit it are found in the purely political phases of the system. It is high time this private machinery is brought under the law by proper regulation."

WOULD SETTLE DOUBTS

To accomplish that he proposes, first, an amendment to the Constitution which will remove all uncertainty as to the power of Congress to legislate with respect to primaries and conventions in which Federal officials are nominated and elected. Many Senators, including CUTTING, believe such power exists now, but undoubtedly much uncertainty surrounds it, and the Supreme Court held unconstitutional certain sections of the corrupt practices act under which Senator elect Truman Newberry, of Michigan, was convicted. CUTTING's amendment would settle the doubt.

Next, he proposes a second amendment which would impose the penalty of ineligibility on any candidate for Senator or Representative who was found to have violated the law regulating his election. That provision would avoid all such debates as those which occurred over Smith and Vare. A candidate who was found to have violated the corrupt practices acts simply would be ineligible to take office.

"I should not think there could be any opposition to such a measure," said CUTTING. "Surely every legislator's seat should be above the taint of illegality. Nothing could be more abhorrent than the spectacle of a lawbreaker making laws."

NEW BODY IS NEEDED

But how to ascertain whether the laws have been violated? At present there exists nobody with the positive duty to inquire and report concerning nominations and elections.

For the most part, the existing machinery is negative.

Candidates and parties are required to report campaign accounts to the Clerk of the House of Representatives, but there is no audit and no inquiry into the accuracy of the reports unless sensational news reports, such as those of the Vare and Smith campaigns, result in a congressional investigation. This is a highly uncertain and indirect method.

Therefore, the third of CUTTING's measures is a bill to create a Federal election commission, to consist of five members, to be elected at joint sessions of the two Houses of Congress.

The Civil Service Commission would nominate 25 citizens who possess certain required qualifications, and are "known to be without partisan prejudices or connections." From those 25, the Senate and House, meeting together, would elect five to constitute the commission.

This is to get around the presidential appointive power, which has been used to "pack" so many Federal boards and commissions.

DUTIES OF COMMISSION

The duties of the Federal Elections Commission would be as follows:

1. To receive, audit, and have custody of all campaign reports, and to investigate and report on the legality of all nominations and elections to Federal offices.
2. To receive the credentials of all Senators elect and Representatives elect, and report to the respective Houses concerning their legality.
3. To investigate and report to the House and Senate on each election contest.

The commission would have no power to pronounce judgments or impose penalties. It would be solely a fact-finding body. On the basis of the facts reported, Congress and the courts would pass judgment—Congress as to the eligibility of the candidates and the courts as to their guilt or innocence of violations.

In addition, the commission would have the continuing task of surveying election methods and machinery, especially with a view to recommending improvements to Congress.

CUTTING's fourth bill is one to regulate the nomination and election of the President. It provides that no candidate for the nomination for President can expend more than \$10,000 in each State, or a total of more than \$480,000 in the 48 States in the campaign preceding the convention.

LIMIT ON CAMPAIGN FUND

No candidate, after being nominated, could spend more than \$30,000 in any State, or a total of more than \$1,440,000. Moreover, the bill would make illegal any deficit, which, when added to the total expenditures, would bring the sum to more than the amount fixed above. That abolishes an existing evil recently brought into bold relief by the forced confessions of Will H. Hays. It was disclosed in the Teapot Dome investigation that a deficit of more than \$1,000,000 remained after the Republican campaigns of 1920 and 1922, principally in the form of loans. Of course, none of that money had been accounted for in the reports of campaign contributions made prior to and immediately after the elections.

Similarly, the bill limits to \$1,000 all contributions made after the elections. This would make illegal such gifts as the \$160,000 donation of Harry F. Sinclair and the \$50,000 gifts of Secretary of the Treasury Mellon and the late John T. Pratt, which also were disclosed in the oil inquiry. It would prevent governmental favors or offices from being bartered away for large contributions following elections.

It provides that all gifts must be made in the names of the actual givers, thus outlawing "dummy" contributors, such as those who allowed the use of their names in masking the donation which Sinclair made to the Republican deficit in 1923.

CORRUPT PRACTICES ACT

The fifth and final measure in CUTTING's program is a corrupt practices act governing the nomination and election of Senators and Representatives.

Existing laws place no limits on the sums which may be spent for such items as printing, postage, traveling expenses, and the like, with the result that the limitations which are imposed mean virtually nothing. Expenditures of almost any kind can be covered up under those headings, and frequently are.

CUTTING has proceeded in a radically different direction, by expressly stating the purposes for which money may be spent lawfully, and fixing limits on the amounts which may be expended for those purposes.

Thus his bill states: "In a campaign for nomination or election to the office of Senator or Representative in the Congress of the United States it shall be unlawful to expend money except for the purpose of presenting information, arguments, and advice to the electors as to the issues of the campaign and the qualifications of candidates."

"A candidate or his duly authorized agent or committee may lawfully present information, arguments, or advice to the electors by the use of: (a) the mails; (b) the telephone; (c) the telegraph; (d) advertisements in newspapers or by posters or on billboards; (e) the radio; (f) personal solicitation; and (g) public meetings."

"The cost of maintaining headquarters, of hiring halls, and speakers, and of employees to conduct the campaign may be lawfully paid out of the campaign fund by the candidate or his duly authorized agent or committee."

PROVISIONS FOR FUNDS

The provisions governing the amount of campaign expenditures are as follows: "Unless the law of this State prescribe a less amount as the limitation of campaign expenditures, a candidate may make or authorize campaign expenditures up to—

"(a) The sum of \$10,000 if a candidate for Senator, or \$5,000 if a candidate for Representative; or

"(b) An amount equal to the amount obtained by multiplying 3 cents by the total number of votes cast at the last general election for all the candidates for the office which the candidate seeks, but in no event exceeding \$25,000 if a candidate for Senator or \$10,000 if a

candidate for Representative; provided that in States where Representatives are elected at large, each such candidate for Representative may make or authorize campaign expenditures of the same amount permitted a candidate for Senator in the same State."

The only exception is that: "The money expended by a candidate to meet and discharge any assessment, fee, or charge made or levied upon candidates by the laws of the State in which he resides, or expended for his necessary personal traveling and subsistence expenses shall not be included in determining whether his campaign expenditures have exceeded the sum fixed by this section as the limit of campaign expenses of a candidate."

A candidate may make expenditures up to the prescribed amount in either a campaign for the nomination "by whatever method" or in an election contest.

BILL FIXES RESPONSIBILITY

Like the bill relating to presidential elections, this measure fixes the responsibility upon the candidate or his duly authorized agents, safeguards against deficits, and requires adequately frequent reports to the Federal Commission on Elections.

If this bill were enacted, with the election commission making the facts of illegalities fully known, and with Congress under constitutional compulsion to deny a seat to every unlawfully elected member, corrupt campaign practices on a large scale would be almost impossible.

There is no likelihood that any of the CUTTING proposals will be voted on, or even reported from committee during the present session of Congress. Nor does their author wish them to be. He realizes they will be subject to prolonged discussion when they are brought up.

In the meantime CUTTING is hopeful that Congress and the public will study them. Sooner or later legislation is inevitable to meet the steadily rising tide of corruption in politics.

The young man from New Mexico certainly has offered a substantial morsel for reflection.

SUBMARINE SAFETY DEVICES

Mr. WAGNER. Mr. President, I ask unanimous consent to have printed in the RECORD an article appearing in the New York Evening World of May 21, 1928, relative to submarine safety devices.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

UNITED STATES SUBMARINE MEN HAVE TO FACE PERILS OTHER NATIONS AVOID—REPRESENTATIVE GRIFFIN, OF BRONX, PROVES THIS BY FACTS FROM GERMANY, ENGLAND, AND FRANCE IN REPLY TO QUERIES—SAFETY DEVICES THAT WE LACK ARE USED TO GIVE MEN SUCH AS "S-4" CREW SOME CHANCES OF ESCAPE

By Robert Barry, staff correspondent Evening World

(Copyright Press Publishing Co. (New York World), 1928)

WASHINGTON, May 21.—ANTHONY J. GRIFFIN, Member of Congress from the Bronx, rises to state some ghastly facts and to ask a question.

Five months ago the U. S. submarine *S-4* sank off Provincetown with all on board, and the country was stirred as it had been by no naval disaster since the blowing up of the battleship *Maine*.

Everyone deplored; some explained; officials said such a stark tragedy should not occur again.

Mr. GRIFFIN asserted that the *S-4* lacked the safety and salvage devices which the submarines of other great maritime powers provided for subsurface naval duty. His statements were challenged; his suggestions derided; his charges ridiculed.

After some months of patient effort Representative GRIFFIN has proved his case, but instead of exulting over his evidence he is using it merely in justification of his plea that Congress should do something to alter "the pitiable picture we present to the world."

AMERICA'S PLAIN DUTY

"Even though the world should forget," the Bronx Member says, "I submit it is a plain violation of our duty to ignore such an event; to repudiate our pledges that such a thing could never happen again; to fail in our promises that we should profit by the lessons of that disaster."

Due to a stubborn refusal by administration leaders in both Senate and House to agree that a joint congressional committee investigate the causes of the disaster while a commission of experts, to be named by the President, studied submarine safety devices, nothing has been done.

Nothing is likely to be done.

Mr. GRIFFIN'S plea is that there be some reconciliation of those differences, one way or another, in memory of "those unhappy youths tapping out their own requiem in the chambers of the doomed submarine—tap, tap, tap—waiting for relief; waiting with torturing anxiety amidst the fumes which rose from the batteries of the vessel, fumes which slowly choked them to death."

Representative GRIFFIN charged at the outset that the submarines of the United States Navy were not equipped with proper emergency and safety and rescue devices. His assertions that America had lagged in that respect were denied in the highest official quarters.

Mr. GRIFFIN set about to prove his case through the cooperation of the Department of State and the naval attachés at the American embassies in Berlin, London, Paris, and Rome.

HIS CONTENTION BORNE OUT

The replies from the American Embassies abroad bear out the technical accuracy of the demands by Representative GRIFFIN that the men detailed to submarine duty in the Navy of the United States be afforded as fair a chance for life as those in other great navies.

The German Navy, for instance, equips its submarines with grappling rings, marker buoys, air inlets, and diving chambers, and has built two salvage vessels with lifting capacities of 1,200 tons. If America had such a vessel, the *S-4* could have been lifted bodily, as her dead weight was 1,000 tons. She was raised by six pontoons having a lifting capacity of 480 tons.

In the British Navy it is shown that British submarines are equipped with a separate salvage air inlet to each compartment.

The French submarines are equipped with telephone buoys and a separate air inlet for each compartment. In addition to that they have folding life boats and automatic diving apparatus. The French Navy also has three lifting or salvage docks with a lifting capacity of from 500 to 1,000 tons.

In the Italian Navy all submarines of new construction will have two telephone signal buoys, one at the bow and the other at the stern. Each compartment is provided with separate air inlets and two exit locks for the escape of the crew, one at the bow and the other at the stern. Even the turret is so constructed as to serve as an exit lock.

NINE QUESTIONS ASKED

Through the proper diplomatic channels, Representative GRIFFIN addressed nine specific questions to the admiralties of Europe.

The German reply was most specific and informative. Because of German war-time preeminence in use of the submarine, the response forwarded by Capt. George M. Baum, United States Navy, American naval attaché at Berlin, is given in full. Mr. GRIFFIN has put it in the record.

Mr. GRIFFIN'S questions and the German replies to each are given below numerically.

Q. (1) Whether grappling rings, eyelets, or shackles are attached to the hulls of submarines to facilitate their prompt raising.—A. (1) In peace times grappling rings, eyelets, or shackles were attached to the hulls of most of the submarines. During the war they were removed from many on account of the additional weight.

Q. (2) Whether or not a form of telephone signal buoy is in use which may be released in case of accident, and by which communication may be had with the crew.—A. (2) Such buoys were employed on the submarines in peace times and were part of the normal installation. During the war they were firmly secured, so as to prevent their becoming loose and thus disclosing the position of the submarine to an enemy ship.

Q. (3) Whether or not salvage air inlets are provided for each compartment of the submarine, or whether there is one salvage inlet communicating to the receptive compartments (as seems to have been the condition on the *S-4* type of vessel).—A. (3) Air inlets could not be installed for each compartment of the submarine, but on the later submarines there was an air inlet in the forward compartment, the midship compartment, and the after compartment, all well separated. These air inlets had cocks which could be operated both from the interior and the exterior of the hull.

Q. (4) Whether or not diving chambers by which the crew can escape are provided.—A. (4) An air chamber was provided in the larger submarines, but they were not used in any salvaging operations. The loss of space entailed by the installation of such a diving chamber restricted their number to one for the larger submarines.

Q. (5) Whether or not submarines are provided with releasable rafts, boats, or chambers by which the crew can escape.—A. (5) No.

Q. (6) Whether or not a diving helmet, or diving apparatus, known as the Graeger diving rescuer, or any similar device is adopted.—A. (6) Yes; one for each member of the crew, distributed proportionately in the compartments to the number of men normally in that compartment.

Q. (7) Whether or not there is at the present time, or in contemplation, salvage vessels of the catamaran type by means of which a submarine can be lifted from the bottom.—A. (7) Before the war the *Vulkan* was built and was used during the war. The *Cyclops* was not completed until 1918. After the war the *Vulkan* was sunk and the *Cyclops* was turned over to England. These vessels were built for submarine-salvaging work.

Q. (8) If such vessels are in commission, please state their tonnage, their length, and their lifting capacity.—A. (8) A description of these vessels can be obtained from Jane's Fighting Ships, 1914 or 1915. The *Vulkan* was approximately 2,000 tons displacement and lifting capacity of about 500 tons. The *Cyclops* was 2,800 tons displacement, with lifting capacity of 1,200 tons.

Q. (9) It will be appreciated if you will mention any instance when and the circumstances under which such vessels were put to use and whether they proved effective, giving the tonnage and the net lift or weight of the vessels involved.—A. (9) During the war the *Vulkan* salvaged six sunken submarines from varied depths from 11 to 30

meters. In none of the operations was any of the crew saved through the operation of the *Vulkan*. Most of the installations for attaching salvaging devices had been removed from the submarines in order to save weight, and it was therefore necessary for the divers from the *Vulkan* to pass slings around the hull.

After the submarine was located and operations made possible by divers it was possible to lift the submarine in nine hours and less. The success of operations from the *Vulkan* depended upon the ability of the divers to locate the wreck and to commence salvaging operations. The time lost in locating the wreck and passing the slings was always too long to enable the submarine to be raised in time to save any of the personnel. On December 7, 1917, submarine *B-84* was sunk in the Baltic Sea in 30 meters of water under conditions almost identical with those obtaining when the *S-4* was sunk. The sea was heavy and wind was force 9. It was impossible for the divers to operate, and no salvaging operations were possible until the weather moderated. By this time all the personnel of the submarine had perished.

The *S-4* was lost in peace time.

SOME OTHER REPLIES

The French replied that they have collapsible lifeboats which are stored on the bridge under the Berton method.

Ray Atherton, Counselor of the American Embassy in London, reported the British response to GRIFFIN query No. 3:

"A salvage-air inlet (or, as it is termed, divers' connection) is fitted to each main compartment of the submarine. Each inlet is independent of the rest and supplies air only into the compartment in which it is fitted."

Representative GRIFFIN has received letters and suggestions from 2,000 persons, many from Europe, some from Australia. He offers something for Senator HALE, of Maine, chairman of the Naval Affairs Committee, to explain and administration leaders in the House to justify, if they can.

FORMER SENATOR OWEN'S VIEWS ON POLITICAL SITUATION

Mr. SIMMONS. Mr. President, I ask unanimous consent to insert in the RECORD, without reading, a letter written by former Senator Robert L. Owen, of Oklahoma, on the political situation, published in the Tulsa Tribune, Tulsa, Okla., May 13, 1928.

There being no objection, the letter was ordered to be published in the RECORD, as follows:

FORMER SENATOR OWEN PLAYS SMITH AS POSSIBLE CHOICE—METHODS USED BY POWER DESCRIBED FULLY IN LETTER

Tammany is the candidate and Al Smith the name, in the opinion of former United States Senator Robert L. Owen, of Oklahoma, who has stated his views regarding the present dilemma of the Democratic Party in a letter to Richard Lloyd Jones, publisher of the Tulsa Tribune. The letter, written in Washington, follows:

MAY 8, 1928.

MY DEAR MR. JONES: Answering your favor of May 1, I submit my views on "Tammany and the Presidency." The aggressive arrogance of Tammany is in marked contrast to the somewhat excessive modesty and preoccupation of Democratic leaders outside of Manhattan. Tammany's foreign-born constituents, hating autocracy, are natural Democrats. Tammany organized them by actual service, by genuine charity, by real kindness, by Christmas baskets, by summer picnics, etc., by employment, by rewards, and has thus obtained the support of the little people, who do not understand big politics.

Tammany, with control of thousands of employees, has been rewarded abundantly with votes, with governing power, with graft. The little tigers got little graft from little people; the big tigers got big graft from big business. In the course of time I am convinced the grafting system laid its tribute in an organized fashion on the gamblers and "policy" shops, on the "disorderly houses" of unhappy women, on the "white-slavers," on the bootleggers and the wholesome-liquor men, on crooks, on little thieves and big thieves, on subway and sewer contractors, on paying and highways, on public buildings, on people selling supplies to the city or in the city.

Tammany is human—very human—with its virtues and its vices, operating side by side without visible conflict. The system is a two-faced Doctor Jekyll and Mr. Hyde affair. It wears the badge of decency and dignity by day, and freely consorts with crooks by night. It probably gives the city of New York as good a government as it really deserves, and no better, but very expensive. The annual budget has already reached \$500,000,000. No man knows where it will end.

WELL SUPPORTED

Tammany has thousands of supporters of the most respectable gentlemen, and it has the support of innumerable criminals who dodge about under the patronage or protection of Tammany supporters. Doctor Jekyll denounces and prosecutes the criminals and Mr. Hyde levies tribute on them at night and frequently thwarts the worthy efforts of Doctor Jekyll. Doctor Jekyll sternly applies the law to the gamblers, the crooks, the thieves, the underworld, but Mr. Hyde gives them protection and takes tribute from their stolen goods. Doctor Jekyll rebukes the rascals; Mr. Hyde plucks the thief.

The police captain must pay for his job and may get the cost back discreetly from the smaller fry. Judges of low and high degree have paid for their nominations (said to be about \$50,000 for a supreme-court justice's nomination). The wonderful corrupt record of Tammany and its supporters has been set forth very fully by many public exposures, such as those made by Dr. Charles H. Parkhurst, the Mazet investigation, the Citizens' Union of New York, etc. There is not much secret about it, and I suppose there is no sincere denial. The big graft, however, is in city privileges, where huge competitive commerce is absolutely compelled to have space and opportunity.

The Tammany leaders are too intelligent to permit an appearance of evil. Contracts are not let to the highest bidder, for this would excite public outcry as obvious corruption, but the specifications which require high bids need not be enforced by Tammany inspectors, and modifications and extra work can be found necessary under such contracts for favored contractors, and untold millions may be thus abstracted from the taxpayers of the city.

It is notorious that the Tammany leaders like Tweed and Croker and Murphy became millionaires.

GRAFT IS CONTROL

The stealings under Tweed were estimated to be from \$30,000,000 to \$200,000,000. Tammany graft provides a means for controlling the New York City elections. Tammany has men in charge of voting precincts who know every voter, his age, nationality, business, religion, etc., and knows whether he is a repeater or a fraudulent voter, and how to register him in many places and vote him efficiently in many booths on election day. Tammany can pad the vote of New York with thousands and thousands of fraudulent votes whenever the necessity arises. Tammany has become so skilled in managing the precinct vote and raising big money for political purposes and cooperating with the standpat Republicans, that it has at last concluded to attempt to put Mr. Smith in the White House by their methods.

Al Smith was born of modest parentage, and as a youth was trained and showed great talent as an actor. He is intelligent, social, industrious, and has been in the service of Tammany for 33 years. He spent his life in and around the Bowery as a Tammany employee until Tammany sent him to the assembly and made him governor. He deserves well of Tammany. He has been faithful to its interests. He was under Croker and Murphy and Foley. He is a product of Tammany, a disciple, and is now its leading power.

The Republican machine of New York State is, like Tammany, a two-faced Jekyll and Hyde combination. The Republican Hyde and the Tammany Hyde get together in a bipartisan corrupt alliance and trade votes. In 1924, in pursuance of this customary practice, Coolidge got nearly 300,000 votes more than his Republican associate, Roosevelt, for governor, and Smith got 300,000 more votes for governor than the liberal electoral votes, apparently by the expediency of exchanging votes, 150,000 votes being taken from the Democratic candidate for President, Davis, and given to Coolidge, and about 150,000 votes taken from Roosevelt and given to Tammany's candidate, Smith. Theodore Roosevelt, Jr., and Davis were equally betrayed by the standpat Republicans and by Tammany in the interests of Cal Coolidge and Al Smith in the famous "Cal and Al" campaign of 1924. It must be observed also that the registration lists of New York City were suddenly increased, from 1920 to 1924, by about 220,000 votes, and that Al Smith got about this number more than he got in 1920. The Republicans did not seem to profit by this increase of registration. (See the New York World Almanac.)

OBJECT—WHITE HOUSE

These glorious victories of the "invincible" Smith determined the Tiger to advance on the White House. In anticipation of 1924 a couple of hundred thousand books were printed, glorifying Al Smith as a paragon of virtue—another Jefferson to lead the Democracy. Who paid for this campaign work has not yet been disclosed, but it can be safely assumed that Governor Smith, under the dignified patronage of Doctor Jekyll, who can do no wrong, can personally disclaim all expenditures and that Mr. Hyde is busy with a corps of literary mercenaries, with proper financial agents receiving the willing contributions of large contractors and other people seeking special privilege, whose appreciation of past and future favors can be relied on. I am convinced that Mr. Hyde can get all the money he wants and can expend it so skillfully that the American people will never fully discover it.

Mr. Hyde's friends control the press, so a joyful hallelujah of praise fills the newspapers, the magazines, the movies, and the radio about the new Jefferson who has emerged from the Bowery and from the patronage of Croker, Murphy, and Foley. At all events, I think there can be no doubt that a wonderful campaign of education and propaganda has been put on by Tammany and its plutocratic allies to sell Tammany's candidate to the people of the United States, and to nominate him for the Presidency. This campaign proceeds on the very practical theory that "all the people know is what they see in the papers," and that exposed and unattended precincts can be captured by organized work. The plan arranged to control the precinct caucuses and the Houston

convention is set forth in the CONGRESSIONAL RECORD of April 24, 1928, in Senator OVERMAN'S remarks, quoting from the Winston-Salem Journal. Here is the plan sent by Tammany to North Carolina, and apparently it is the same plan which was employed in Oklahoma and other States:

THE TAMMANY PLAN

1. A cautious, sagacious man, well informed in State politics, and who must be the right man for the place, must be selected to organize the State.
2. He must secretly and with caution and sagacity select two gentlemen for each congressional district who are also cautious, sagacious, well informed, and must be the right men for the place.
3. The State organizer must, with secrecy, meet with the two district organizers in each congressional district, and as a committee of three carefully canvass and pick three cautious, sagacious, well-informed men who must be the right men for the place for each county.
4. The county committee must secretly pick a cautious, sagacious, well-informed man who must be the right man for each precinct who is willing to give the time to the job and who will be responsible for getting enough Smith men to be present at the precinct caucus to organize the caucus and select delegates, composed of Smith men, to the county convention.
5. The State organizer and the district managers will select in advance the delegates at large through the State. They will arrange the proceedings of the State convention and be assured that Smith men are selected who can be relied on to go to Houston. The expenses of this performance is not set forth in the plan, but it can be assumed that Mr. Hyde and his financial disbursing officers will see to it that all this labor of love is not lost. In a State of a thousand precincts it means more than a thousand secret agents. By this system one active Smith agent is equal to a hundred sleepy, inattentive opponents. One active man can man the precinct and control it, for as a rule very, very few attend a precinct caucus.

GREAT IS TAMMANY

By this secret, cautious, sagacious plan, adequately financed, Tammany has successfully captured hundreds of delegates and demonstrated to the thoughtless public the enormous popularity of Tammany's candidate while the inattentive Democracy and unfinanced potential candidates all look on in stupefied amazement.

Great is Tammany, admirable in its simple, direct efficiency. It has its return for work done and money expended. It knows how to steal the governing power of the people, and with their stolen goods is demanding indorsement by acclamation at Houston.

Let all the unintelligencia jump in the band wagon quickly, but let honest, intelligent Democrats stand firm and remember that the patriotic men and women of our beloved country and the dry and progressive forces of America are yet to be heard from.

The moral and ethical law is as certain as the law of gravity, and will be vindicated in due time by a power of which the Tammany leaders know little.

Tammany is not a man—it is a combination of all sorts of men. It is a corrupt political system and an auxiliary of the standpat Republicans in all times of need.

It fought with the Republicans against Samuel J. Tilden.

It fought with the Republicans against Grover Cleveland.

It fought with the Republicans against William J. Bryan.

It fought with the Republicans against Woodrow Wilson.

It fought with the Republicans to defeat James M. Cox.

It fought with the Republicans to defeat John W. Davis.

Its Congressmen supported Joe Cannon, the mouthpiece of plutocracy in the House of Representatives.

Tammany is controlled by a constituency which is of foreign origin and of foreign ideals, favoring wide-open immigration, opposing the national prohibition policy, favoring and practicing nullification of the eighteenth amendment and the Volstead Act. It has deliberately pursued a policy to split and disorganize the National Democracy over the wet and dry question, and over a religious controversy to the enormous advantage of the standpat Republicans. Tammany is equally the secret enemy of the progressive Republicans and of the progressive Democrats.

Governor Smith is not to be regarded as a mere man. He is an institution built up by the Tammany-controlling forces. He is subject to their influences and will assuredly represent their views, for he owes everything to their support.

Tammany is truly unfit to lead the progressive democracy of America, and those who have loved Woodrow Wilson and William J. Bryan and Grover Cleveland and Samuel J. Tilden will find it impossible to follow the Tammany leadership. Millions of Democrats will revolt. No Democrat can possibly win who is too timid or too feeble to protest against the dominance of Tammany Hall.

Tammany should be kicked out of the Democratic Party. It belongs of right to the standpat Republicans.

There is no time for false compliments.

Plain, honest speech is needed.

"SPEAK NOW, OR—"

Speak up, you political leaders, now, or forever hold your peace.

The popularity of Governor Smith, except where the Tammany machine corruptly controls New York City, is absurdly false. New York State has 62 counties, 57 of them outside of New York City. Outside of New York City in 1926 Al Smith lost 53 out of 57 counties in the great State of New York, only carrying Albany and Troy Counties, where the machine controlled; Clinton County, the bootlegger county on the Canadian border; and Utica, by a narrow margin. In 1924 Al Smith lost every one of the 62 counties in New York State except New York City and Albany, and the fraudulent exchange of votes in this campaign is well known. It is a suspicious circumstance that 227,000 votes were registered in 1924 in excess of 1920, and Al Smith's vote increased by about this amount. This is a badge of fraud, for Roosevelt ran far better than Miller in 1920, when Miller beat Smith. In 1920 Smith lost every county in the State of New York outside of New York City. His vote-getting power outside of the city of New York is disproved by the county records of New York. (See the New York World Almanac for figures.) The Republicans know this, and they are helping him to push his candidacy. His Republican allies for the governorship must abandon him for the election to the Presidency.

In the recent California primaries he got less than 17 per cent of the total vote cast, and Hoover's friends, unopposed, nevertheless cast more than four times as many votes as were obtained by the very active campaign for Al Smith. California is obviously anti-Smith. More than half the Democrats refused to come to the polls. In the recent Massachusetts primaries for 1928 Al Smith got less than 8 per cent of the votes cast in the last presidential election. The great majority of Democrats declined to vote for Smith. In the Texas latest primaries, where the liquor men were active, he got only 1 delegate in 10 of the delegates selected for the county conventions, and this fairly shows his lack of popular strength in Oklahoma and Arkansas, where political conditions are nearly identical. And you know, as I know, that Oklahoma is profoundly displeased with the successful secret intrigue of Smith's friends there, and that their success was only due to the inattention of the people.

It is some consolation to believe that the country will not put Tammany in the White House, but my prayer is that the good Lord will defend the party of Jefferson at Houston from the assaults of its enemies.

With very kind regards, sincerely and faithfully,

ROBERT L. OWEN.

CHANGE OF CONFEREES ON TAX REDUCTION BILL

Mr. SIMMONS. Mr. President, I desire to ask unanimous consent of the Senate that I be excused from serving upon the conference committee on the so-called tax reduction bill (H. R. 1), and that the name of the senior Senator from Mississippi [Mr. HARRISON] be substituted for mine.

The PRESIDENT pro tempore. Is there objection to the request preferred by the Senator from North Carolina? The Chair hears none, the request is granted, and the senior Senator from Mississippi [Mr. HARRISON] is appointed to serve in his stead on the committee of conference on the part of the Senate.

BOULDER DAM

The Senate, as in Committee of the Whole, resumed consideration of the bill (S. 728) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes.

Mr. JOHNSON. Mr. President, I am very loath to take any time upon this measure in further discussion in behalf of its proponents. I should infinitely prefer to sit here and permit the opponents of the proposed legislation to develop whatever they desire to develop in opposition to it. I have been asked, however, sir, by two or three Senators upon this side and a similar number upon the other side very briefly to respond to some of the things that have been said in the debate that has preceded and particularly the things that were related by the Senator from Utah [Mr. SMOOT] in his very lengthy and very complete address. Because of that request, and because I feel that our position is impregnable, I am constrained to occupy a brief period this morning in an endeavor to answer some things that may have been said by the senior Senator from Utah in his two-day address.

Mr. President, the able senior Senator from Utah recently engaged the attention of the Senate for two full days in the delivery of a singular and quite remarkable speech in opposition to S. 728. Replete with scientific, engineering, and technical details, its preparation must have occupied many weeks, if not months, of effort on the part of the busy Senator. We all know of the multitudinous and exacting character of his regular duties in relation to finance, revenue, taxation, and related mat-

ters, and we wonder that a place could possibly be found on his already overburdened shoulders for the additional task of compiling an elaborate address on the Boulder Canyon project.

However, a large amount of the material presented in the interesting address of the able Senator was not new or unfamiliar to those who have been following this legislation. Some of that material had an entirely respectable and legitimate source, but some of it had its source close to the busy quarters of the great power interests, which recent revelations have shown have been enthusiastically engaged in endeavoring to encompass the defeat of this legislation.

A very considerable part of the able Senator's speech was devoted to the proposition which, if not specifically stated, yet plainly was implied, that the plan for the Boulder Canyon project was entirely infeasible, or so beset with construction and other difficulties as to render the undertaking unwise and inexpedient. The Senator painted a gloomy picture, indeed, but in so doing he did not assume an unfamiliar or unprecedented rôle. The path of human progress since time began has been marked at every turn by the doleful cry, "It can not be done." Reforms and achievement ever have been met sometimes by an honest but mistaken pessimism, and often by a Pecksniffian antagonism because of material interest in a wrongful existing order.

The penny post, which has grown into the great post service of the world and has become an indispensable feature of our civilization, was bitterly resisted as a vain and destructive innovation, which could never be successfully consummated.

After steam had been successfully applied to river navigation, the skeptical declared that no steamship would ever cross the Atlantic Ocean. It could not be done, they said, because, even if an engine could be contrived, no ship could ever be constructed large enough to carry sufficient coal for the voyage.

Charles Newbold, a citizen of New Jersey, made a cast-iron plow in 1797 to replace the wooden plow then in use. The farmers would not adopt the new device because, as they said, it would poison the soil and stimulate the growth of weeds. It could never, they said, be utilized for its designed purpose.

Howe worked for many years before he perfected the sewing machine, while his family complained, and his friends called him a poor lunatic, and those who heard him and saw his work said it never could be done.

When the Baltimore & Ohio Railroad was opened with horse and rail cars 100 years ago Daniel Webster expressed grave doubt as to the ultimate success of the railroad, saying, among other things, that frost on the rails would prevent a train from moving, or, if it did move, from being stopped. The Senators from Utah of that day said it never could be done.

Samuel Pierpont Langley, Secretary of the Smithsonian Institution, had long studied the possibilities of flying. Finally he built a steam-driven model, which was the first heavier-than-air machine that flew in America. Even after he had flown this model many times the world still believed that a man who invented a flying machine was nothing less than a lunatic. A famous scientist in this very city of Washington, Simon Newcomb, one of the greatest mathematicians and astronomers of his time, proved on paper that it was foolish to make any attempt at flying, and high in horror were held the hands of the fearful as they muttered, "It can not be done!"

Samuel F. B. Morse's efforts to perfect his invention of the telegraph were ridiculed by his acquaintances and friends. It was finally tested in 1838. He applied to Congress for aid.

The House passed the bill by a narrow margin of 8 votes, and it went to the Senate. On the last night of the session Morse, sitting in the gallery, anxiously awaited the result. One of the Senators declared to him: "There is no use of your staying here. The Senate is not in sympathy with your project. I advise you to go home and think no more about it." Morse, his last hope gone, left the Capitol; but the next morning he received the joyful and unexpected news that the bill had passed the Senate. With the appropriation thus made available wires were strung between Baltimore and Washington; and on May 24, 1844, the day chosen for the public exhibition, Morse, sitting at the transmitter in the old Supreme Court room in the basement of the Capitol, received the historic message, "What hath God wrought." But the timid and the doubtful shook their heads and said, "It can not be done."

The opposition to the construction of the Suez Canal was extremely bitter and formidable. Among other things, it was claimed that the canal would prove a failure because the blowing sands of the desert would soon fill the channel. "It can not be done," said the fearful, and the cry was echoed by many of the wise. George Stephenson, the great English engineer, pronounced it an impracticable engineering scheme. Lord Palmerston informed De Lesseps that in the opinion of the British

Government the proposed canal was a physical impossibility. Palmerston declared:

All the engineers of Europe might say what they pleased, he knew more than they did, and his opinion would never change one iota, and he would oppose the work to the end.

I can see the distinguished Senator from Utah echoing Palmerston's words. He knows more than all the engineers who have examined this project; and he, with his technical skill, with his ability as an engineer, with his knowledge of earth strata, with his infinite variety in dealing with dams, with his constructive genius—he says, the Senator from Utah, that this can not be done; and, therefore, his ipse dixit having been uttered, it must not be done.

Yet, notwithstanding Palmerston's ipse dixit, too, the Suez Canal, in spite of great opposition and imaginary difficulties, was built, and has been in successful operation for nearly 60 years. A few years after its completion the British Government, as if in condemnation of the ill-advised judgment of its great engineer and the stupidity of its Premier, purchased and acquired the controlling interest in the canal.

The history of our own great isthmian canal affords a striking parallel to the story of the Boulder Dam. It was the same century-old tale of opposition to human achievement.

The Gatun Dam is very properly regarded as the key or central feature of the Panama Canal. It impounds the waters of the Chagres River, thereby creating a great lake, and thus makes practicable the operation of the canal as a lock or lake-level waterway.

A bitter controversy of unprecedented violence raged for many years over the question whether Gatun Dam could be built, or, if built, would stand. The opposition urged that the formation at the site would not afford a safe and stable foundation, and that the superstructure would soon disintegrate and be swept away by the pressure of the impounded waters. It was further claimed that the Canal Zone was subject to earthquakes—how we heard that here, too!—which would be particularly destructive to earthen structures such as the proposed dam; and the great disaster at San Francisco in April, 1906, was eagerly, although illogically, seized upon to support this objection. It was also contended that the machinery of the locks would be subject to disarrangement and destruction through carelessness, mischief-making, or enemy attacks; and that there would be grave risk to both the vessels and the canal through destruction of the gates, due to negligent management of vessels in entering or leaving the locks.

This controversy reached such intensity that President Roosevelt appointed an international board of consulting engineers to consider and report on the question whether the Panama Canal should be a sea-level or a lock type canal. That board was composed of five foreign and eight American engineers, all among the foremost men in their profession. The board in its report to the President divided on the question, 8—the 5 foreigners and 3 Americans—being in favor of the sea-level type; 5, all Americans, favoring the lock type of canal.

A majority of the Senate Committee on Inter-oceanic Canals, having under consideration a bill to provide for the construction of a sea-level canal connecting the waters of the Atlantic and Pacific Oceans, objected to the proposed dam at Gatun. In its report to the Senate it was declared:

Earth dams founded on the drift and silt of ages, through which water habitually percolates, to be increased by the pressure of the 85-foot lock when made, has been referred to by many of our technical advisers as another element of danger. The vast masses of earth piled on this alluvial base to the height of 135 feet will certainly settle, and as the drift material of this base or foundation has varying depth, to 250 feet or more, the settlement of the new mass, as well as its base, will be unequal, and it is predicted that cracks and fissures in the dam will be formed, which will be reached and used by the water under the pressure above mentioned and will cause the destruction of the dam and the draining off of the great lake upon which the integrity of the entire canal rests.

One of the Senators who supported the lock type of canal, having referred to the difficulties and objections encountered in the building of the Suez Canal, declared in this Chamber—history but repeats itself, sir; those of us who are familiar with the past wholly understand that—he said, sir:

These are facts of history, and they are not disputed. Shall history repeat itself? Shall we delay or miscarry in our efforts to complete a canal across the Isthmus of Panama upon similar pretensions of assumed dangers and possibilities of disaster, all more or less the result of engineering guesswork? Shall we take fright at the talk about the mischief maker with his stick of dynamite, bent upon the destruction of the locks and vital parts of the machinery, when history has its

parallel during the Suez Canal agitation in "The Arab shepherd, who, flushed with the opportunity for mischief and with a few strokes of a pickax, could empty the canal in a few minutes"? Shall we be swayed by foolish fears and apprehensions of earthquakes or tidal waves, and waste millions of money and years of time upon a pure conjecture, a pure theory deduced from fragmentary facts? Again the facts of canal history furnish the parallel of Stephenson and other engineers, who successfully frightened English investors out of the Suez enterprise by the statement that the canal would soon fill up with the moving sands of the desert; that one of the lakes through which the canal would pass would soon fill up with salt; that the navigation of the Red Sea would be too dangerous and difficult; that one of the lakes through which the canal would pass would soon fill up with salt; that the navigation of the Red Sea would be too dangerous and difficult; that ships would fear to approach Port Said because of dangerous seas; and finally that in any event it would be impossible to keep the passage open to the Mediterranean.

It was this kind of guesswork and conjecture which was advanced as an argument by engineers of eminence, and sustained by one of the foremost statesmen of the century. How absurd it all seems now in the sunlight of history. * * *

Of objections for or against either plan there is no end, and there will be no end as long as the subject remains open for discussion. To answer such objections in detail, to search the records for proof in support of one theory and another, is a mere waste of time which can lead to no possible useful result.

I commend these words of a distinguished Senator, uttered many, many years ago, to the Members of this body to-day.

I need not dwell further on this point. The story of the building of the canal is familiar to us all. A wise and courageous President, although at first favoring the sea-level type, finally, on the score of great saving in expense and time, followed the judgment of the five American engineers of the consulting board who supported the lock type of canal. Congress took the same view, and a lock type was authorized. The opposition said, "It can not be done." The response was, "Let the dirt fly!" Gatun Dam was built. In every particular it more than fulfilled the predictions of the engineers who favored it. And so I say to the Senator from Utah, and others, who, from one motive or another, follow him, and to those he follows: Fear not; this dam can be built, and, under the providence of God, will be built. It will be another milestone in progress and achievement, another tribute to American ability, skill, and courage.

Now, Mr. President, I turn aside for a brief period to consider something of the investigations that have been made in respect to the project that is embodied in the bill now before the Senate. Let me preface what I have to say in this regard by the remark that this bill comes here, not really with a divided committee; it comes here, not with a day's study by one of the great committees of this body. It comes here, sir, with the approval, not alone in this session but in the prior session, too, the overwhelming approval, of one of the best committees in this body—the Committee on Irrigation and Reclamation.

A year and a half ago the bill was reported by that committee by a vote of 12 to 3. This year this bill was reported by that committee by a vote of 13 to 1. It is not a question of a divided committee or a diversity of opinion among those who have heard the testimony; and this committee, sir, let me say to these gentlemen who may have any doubt upon the engineering features of the project, heard every man, practically, who desired to be heard in the one session or the other; and after mature deliberation, and after hearing all of the evidence, it rendered its decision in regard to the feasibility of the project.

A few years ago the Secretary of the Interior, writing concerning the Colorado River and the investigation of its problems, said this—

The Colorado River Basin has been under observation, survey, and study and the subject of reports to Congress since the close of the Civil War. More than \$350,000 have been expended by the Bureau of Reclamation since the Kinkaid Act of May 18, 1920. More than \$2,000,000 have been expended by other agencies of the Government.

I may interpolate there that by the communities affected hundreds of thousands of dollars have been expended as well in studies. In concluding his recommendation at that time the Secretary of the Interior said:

The time has arrived when the Government should decide whether it will proceed to convert this natural menace into a national resource.

That time, sir, is here now, to-day, and it is for the Congress to determine whether that which has been a national menace in the years gone by finally shall be transmuted by the act of Congress, the courageous act of Congress, in the teeth of an

opposition never before witnessed to any other measure, whether this body will have the courage and whether it will have the wisdom to transmute this which has been a national peril into a national asset.

It was May 18, 1920, when the Kinkaid Act was passed by the Congress of the United States, directing the Secretary of the Interior to make a study of the problems of the Colorado River and report to Congress. All that has been done is not the result of private endeavor. The work that has been attempted upon the Colorado River in the past 10 years has been official in character, conducted by the United States of America by engineers of undoubted repute; indeed, by engineers in some instances not only of local and national reputation, but engineers as well of international renown.

The Congress itself, recognizing the necessity for curbing this turbulent stream, began passing its acts for investigation and study years and years ago, and after the first appropriation and the passage of the Kinkaid Act a preliminary report in 1921 was finally made, and then subsequently, in 1922, the studies and reports that are embodied in Senate Document 142 were finally filed. They represented the investigations of engineers who can not be assailed upon this floor nor any place in America, and the studies and reports thus submitted reached certain definite conclusions. Certain recommendations were made in 1922 by the report of the engineers, who then, in pursuance of the mandate of the Government, investigated the Colorado River to determine what best could be done in its development and in rendering it the servant of man, rather than leaving it to be the master in its mad moments.

The recommendations that then were made, which appear in Senate Document 142, by the report then filed, were as follows:

1. It is recommended that through suitable legislation the United States undertake the construction with Government funds of a high-line canal from Laguna Dam to the Imperial Valley, to be reimbursed by the lands benefited.

2. It is recommended that the public lands that can be reclaimed by such works be reserved for settlement by ex-service men under conditions securing actual settlement and cultivation.

3. It is recommended that through suitable legislation the United States undertake the construction with Government funds of a reservoir at or near Boulder Canyon on the lower Colorado River, to be reimbursed by the revenues from leasing the power privileges incident thereto.

That, sir, was six years ago, in the final report then rendered, six years ago.

4. It is recommended that any State interested in this development shall have the right at its election to contribute an equitable part of the cost of the construction of the reservoir and receive for its contribution a proportionate share of power at cost to be determined by the Secretary of the Interior.

5. It is recommended that the Secretary of the Interior be empowered, after full hearing of all concerned, to allot the various applicants their due proportion of the power privileges and to allocate the cost and benefit of a high-line canal.

6. It is recommended that every development hereafter authorized to be undertaken on the Colorado River by Federal Government or otherwise be required in both construction and operation to give priority of right and use:

First. To river regulation and flood control.

Second. To use of storage water for irrigation.

Third. To development of power.

Thereupon, after that report was rendered, bills were introduced in the two Houses of Congress, bills that have remained in substantially the like form of the bill that is before the Senate to-day. Bills have been introduced in the succeeding Congresses and have been investigated most minutely in every session of Congress since that time. The investigations have continued since that original report was filed.

Thereafter the Chief of the Reclamation Service was directed to make his investigations, investigations in respect to everything concerning the Colorado River. I have brought here to-day, simply that it might be viewed by those who care for the facts upon this bill, the so-called Weymouth report. There it is before me—many volumes—and that report, if any man cares to examine it, will be seen to be the most careful, complete, and stupendous report upon river improvement that has ever been rendered at any time by any set of engineers.

I recall the time a few years ago when I stood upon this floor and the Senator from Arizona stood with me then and asked that that report be printed as a public document. I remember the man who stood behind and, because of his idea of economy, denied the right for the publication of the Weymouth report as a public document. The same man now comes upon this floor and berates the report because it is in the shape in which you see it here. The Senator from Utah objected then

upon the ground of economy and expense, and it does not lie with him to-day to criticize at all the fact that we have had to take photostatic copies and to photograph various pages in order that this very report might be preserved for the Government and for those who are interested in the Colorado River development.

There is the report, complete in every detail, profiles, maps, illustrations, engineering data, studies, accurate in every respect. Never, sir, until the other day, when the Senator from Utah stood upon this floor, has it been questioned before the Congress or in any other place or by any other person.

Upon the work that was done in the report more than \$500,000 were expended, \$331,000 in Boulder Canyon alone. Diamond drillings and borings were had at various sites—173 separate holes. The work was done in three seasons, covering three years—1921, 1922, and 1923. The materials found at Black and Boulder Canyons then were submitted to the geologists of the Geological Survey.

Tests of strength were made by the Bureau of Standards. Types of dam were considered, not only by one engineer, as I will show later, but by some 30 or 40 or 50 engineers, types of dam were considered and all reported on. Every conceivable fact was carefully weighed, every single detail, no matter how large or how small, was gone into. Everything, I do not care what it was, that related to construction or to cost, is found here in this report, and all that was done by engineers of repute and standing and great actual accomplishments, and under the supervision of the United States Government. That is the engineering data, and when a man takes that which has been furnished by the great power interests of this country and stands here and states that this is a scheme that is half-baked, that it is "fantastic," and that it ought not to be adopted, he does an injustice to his own people and to a project the feasibility of which is demonstrated.

I hold in my hand one of the brochures issued by the agency of Power Trust called the Joint Committee on National Utility Associations of the United States. I ask any man to compare it with the speech that was made the other day by the Senator from Utah, compare it merely that he may see, not that the Senator from Utah, of course, either saw or knew of this pamphlet, but that he may see how great minds run in the same channel, and how great critics have pursued substantially the same course; and how to each the same witnesses and the same words appeal alike.

The work of Weymouth was not individual work, not at all, sir. When the endeavor is made to convey that impression to those who know little or nothing of this matter it is entirely erroneous. It is the work of a corps of experts, a corps of experts such as never before has been assembled for such work. Then, after the corps of experts had done their work, it was checked, and carefully checked, by consulting engineers. Consulting engineers checked it in every conceivable fashion. Weymouth was chief of the Bureau of Reclamation in charge, but Weymouth was not alone in doing the job. Every department of the Government contributed to it. The Geological Survey, the Bureau of Standards, the experts from every department that could deal at all expertly and scientifically with any part of the scheme were called in, and all were a part of it. That Senators may understand a little of that which was done and the care that was taken, I intend to refer to a word or two of Weymouth's testimony and to some of those who were a part of the three years' hard and successful task.

Tests for strength of material were made by the Bureau of Standards, various types of dams were considered and reported upon, and the advantages and disadvantages were carefully weighed, one against the other. Costs of materials, railroads, highways, camps, even including commissary and sanitation, were gone into in great detail; even the lines for railroads and highways were run and the costs thereof carefully ascertained.

This, as I said, was not the individual work of a single engineer, but the collective work of a corps of experts, and their final work carefully checked by consulting engineers whose experience in large-dam construction is perhaps unequalled anywhere in the world. The work was directly in charge of Mr. F. E. Weymouth, then chief engineer of the Bureau of Reclamation.

On March 19, 1924, Mr. Weymouth testified before the House Committee on Irrigation and Reclamation concerning this report, and said:

Mr. SWING. I want to take first the inside of your regular force. What force of engineers has contributed to this report which you are now submitting?

Mr. WEYMOUTH. Mr. Walker Young, who is present to-day, has had charge of the investigations in Boulder Canyon for about three and a half years. * * * Mr. Young had more to do than anybody else in the actual working out of the detailed designs and estimates,

but he at all times had the advice of chief designing engineer, Mr. J. L. Savage, whose headquarters are in Denver, and also of the whole designing force of that office.

Mr. SWING. How many engineers are in Mr. Savage's office?

Mr. WEYMOUTH. Mr. Savage has under his charge about 25 or 30 engineers of all kinds.

Mr. SWING. Who else?

Mr. WEYMOUTH. In addition to that, we have had the assistance of Mr. Gaylord, who was until very recently our chief electrical engineer, and his assistants and Mr. Dibble and his assistants. Mr. Dibble succeeded Mr. Gaylord in the last few months. And in the study of the water supply, the irrigable areas, and the control of the river for flood or for power purposes Mr. Debber, who is here to-day, has made most of those studies.

Mr. SWING. Now, in addition to that, what other nonofficials have collaborated in the investigation of the sites outside of your immediate bureau?

Mr. WEYMOUTH. We had Mr. Ransome, a geologist of the Geological Survey, make a very exhaustive geologic examination and report on the Boulder Canyon reservoir and dam site, and Mr. Jenison, of the Geological Survey, also assisted him. The Bureau of Standards has done a lot of work for the service in testing materials for construction. There is another man that I forgot to mention, a very valuable engineer and geologist, Mr. Homer Hamlin. The most work that has been done perhaps was done by Mr. Arthur P. Davis while he was a director of the service.

Mr. SWING. Do the findings and the reports of the geologists, Ransome, Jenison, Homer Hamlin, corroborate and fit into your report?

Mr. WEYMOUTH. Yes, sir.

Mr. SWING. Now, what about this consulting board? You mentioned Mr. A. J. Wiley and Mr. Louis Hill. Was there anyone else consulted?

Mr. WEYMOUTH. Well, we have utilized our regular force a great deal; Mr. James Munn, who was formerly a contractor and is, perhaps, one of the best construction men in the country. We have had his advice, especially in reference to unit costs that we have used in the estimates.

Mr. SWING. Now, has this advisory board considered your general scheme—your general plan?

Mr. WEYMOUTH. Yes, sir.

Mr. SWING. Have they given it their approval—the general method of developing the river?

Mr. WEYMOUTH. We have considered with them each step that we have taken as it came up and it has had their approval.

Mr. SWING. It has had their approval?

Mr. WEYMOUTH. Yes, sir.

Mr. LEATHERWOOD. Which board is that?

Mr. SWING. That is the Wiley, Hill, and Munn board.

Mr. WEYMOUTH. And Mr. Savage, our chief designing engineer.

Mr. SWING. And Mr. Gaylord?

Mr. WEYMOUTH. And Mr. Gaylord and Mr. Dibble.

Mr. SWING. If you were spending the money of a private corporation which was seeking to locate the best place to solve the river problem, would you recommend to the board of directors of the private corporation the expenditure of more money to gather more data than what you have now, or would you advise them to act upon the data which is now collected?

Mr. WEYMOUTH. I would advise them to act on the data that we have.

Again, Mr. Weymouth, testifying before the Senate committee on Senate Resolution 320, page 816, said:

Senator ODDIE. What can you tell us as to the reliability of the men who did that drilling, the care they used, and the accuracy of their work?

Mr. WEYMOUTH. Well, I think that the gentleman in charge of the drilling crew, the diamond-drilling man, Mr. George Hammond, is perhaps the most experienced diamond-drill man in this country; he has been doing that work for years; he drilled the Hudson River crossing for the New York water supply; he has been at that work all his life. The engineer locally in charge, Mr. Walker Young, I regard him as one of the brightest young men I have ever met. I might say his work was continually supervised not only by myself but by consulting engineers, such as Mr. Wiley. Mr. Wiley has probably built more dams than any other man in America.

I merely give this glimpse of the engineering background of Boulder Dam to indicate that there is not a great deal left in doubt. It must be remembered that the studies referred to were made pursuant to an act of Congress. They were official. The best organization in the Government was used. No other governmental organization has a corps of engineers trained in the art of hydraulics in general and of dam building in particular. The Reclamation Service has successfully constructed approximately 100 dams of various sizes, including some of the largest constructed in the world. Again it must be remembered that these dams have all been successful. Not one has failed.

Likewise it is interesting to note that the cost of these great dams have proven to be remarkably near the estimates. For instance, the American Falls Dam in Idaho was estimated to cost \$8,500,000; the actual cost was \$7,300,000. Arrow Rock, also in Idaho, was estimated to cost \$6,250,000; the actual cost was \$4,496,731. The Belle Fourche Dam in South Dakota was estimated to cost \$1,040,416; the actual cost was \$1,259,515. On this dam contractors failed and the work was delayed two years, which accounts for the actual cost being slightly above the estimate.

The Elephant Butte on the Rio Grande in New Mexico was estimated to cost \$5,600,000; the actual cost was \$5,004,216. The Roosevelt Dam in the Salt River of Arizona was estimated to cost \$3,750,000; the actual cost was \$3,806,277. On the Roosevelt Dam the estimate was for a dam 190 feet high, but was actually constructed 220 feet high. Tieton Dam in Washington was estimated to cost \$4,020,000; the actual cost was \$3,756,256. I mention just a few of the larger dams to indicate not only that this corps of expert construction engineers has successfully constructed a very large number of dams, but also that the cost estimates were conservative and on the average the dams actually cost less than the estimate.

Not only was the study of the Boulder Canyon official and authorized by act of Congress and done by experts who have proven their ability, but it was not the work of only one man. In addition to Mr. Weymouth, nine engineers of outstanding reputation actively participated in the work; in addition to the regular force, 25 or 30 engineers in the office of Mr. Savage at Denver aided; and the consulting board, consisting of A. J. Wiley, Louis Hill, and James Munn, not only assisted but carefully checked every result. In other words, all together something like 43 engineers of the regular force and of the consulting board, in addition to the Geological Survey and the Bureau of Standards, collaborated in the studies which have been presented. In addition to these 43 engineers in the Bureau of Reclamation and their various consulting boards, we find many other engineers giving their approval, among whom are: Hon. Herbert Hoover, the present Secretary of Commerce; Dr. Elwood Mead, who at that time was not connected in anywise with the Reclamation Service; and the late Gen. George Goethals. These three men are engineers of international reputation.

It has been charged that General Goethals did not actually give his approval to the construction of this dam. The testimony, however, quite disproves this assertion. Before the House committee on H. R. 2903, page 747, we find this testimony in response to questions by Mr. HAYDEN, then a member of the House and now the junior Senator from Arizona:

Mr. HAYDEN. And any type of dam, if properly constructed, would be a safe dam at Boulder Dam?

General GOETHALS. I think so.

Mr. HAYDEN. Have you given consideration to the advisability of utilizing any other dam sites on the Colorado River, other than at Boulder Canyon proper?

General GOETHALS. No. I have read up on the subject, and Boulder Canyon site seems to give a solution to the problems that must be met on the Colorado River; that is, flood control, silt control, irrigation, and power.

Again, on page 753, he said:

Mr. RAKER. In other words, can you build a rock-filled dam with the same strength of resistance as you have the other side of the gorge?

General GOETHALS. Of course you can; you can build anything you please, if you make due allowance for it; if you have got the courage and the confidence in yourself to do it, you can do it.

Mr. RAKER. That is the point, exactly.

General GOETHALS. But the vast majority of people become timid as soon as you go beyond anything that has already been tried; you have got to have a leader, and leaders are few. That is the crux of the whole situation.

Mr. RAKER. And there would be just as much fear of the side breaking out?

General GOETHALS. Absolutely.

Mr. RAKER (continuing). As there would be of the rock-filled dam?

General GOETHALS. Absolutely. Gatun Lock, they said, was going to break through, if we ever built that dam; and the water was going to leak under that dam, if we ever attempted to build it without going to rock. You have exactly the same conditions. You will find lots of people, as soon as you say a rock-filled dam, they will say, "Boo."

As to interfering with other development, General Goethals testified at page 756:

Mr. RAKER. And did you gather this further fact from those reports, that if the Boulder Canyon Dam was put in first, it would not interfere with subsequent development?

General GOETHALS. That is right.

Mr. RAKER. With subsequent developments below?

General GOETHALS. No; above.

Mr. RAKER. There would be a complete development, as well as permitting the utilization of the stream above?

General GOETHALS. That is the keystone of the arch; get that in and the rest follows on.

So we have General Goethals, the builder of the Panama Canal, an engineer of ability, foresight, and courage, telling us that any type of dam, if properly constructed, would be safe at Boulder Canyon.

The Secretary of the Interior, that he might leave nothing undone in regard to investigation and study, appointed a year ago what he designated as a fact-finding commission. This fact-finding commission, consisting of Professor Durand, an engineer well known, ex-Governor Scrugham, of Nevada, an engineer as well, and Governor Emerson, of Wyoming, also an engineer, and Hon. James A. Garfield, former Secretary of the Interior, reported in writing to the Secretary of the Interior. Their testimony is before us. It is set forth in the report. Each one of those gentlemen constituting the fact-finding commission held that the appropriate site for a dam in the Colorado River is Boulder Canyon or Black Canyon, and that a dam could be legitimately, feasibly, and well erected there. Unless it be required that I read it, I will ask here, as it is set forth in the report, that the testimony of these three gentlemen on that point be included in the Record without reading.

The PRESIDENT pro tempore. Without objection it is so ordered.

The testimony referred to is as follows:

Mr. GARFIELD. The jurisdiction of a single State is not broad enough to deal with all the problems that necessarily arise in the construction and development of such a project as that under consideration. The United States alone has the power properly to safeguard the interest and rights of all those who may be affected by such a major development, and is, furthermore, the only political agency that can deal with and settle the international questions arising with Mexico.

The United States Government is not only the political sovereign whose jurisdiction is broad enough to deal with all the phases of the problem but it is likewise the largest landowner along the bed of the Colorado. Hence, whatever theory of the use of water is adopted in any particular State, the use of the public domain in that State can only be obtained under congressional act, and Congress may impose in such act whatever conditions it deems wise.

Governor EMERSON. The construction and operation of the described project is a logical and in some phases even a necessary undertaking of the Federal Government, for the following reasons:

- (a) The international situation applying to the river.
- (b) Flood control as a national problem.
- (c) Reclamation of land as an accepted Government activity.
- (d) Magnitude of project and of various interests involved.

Governor SCRUGHAM. With all of the above factors in mind, it appears entirely proper and practicable for the Federal Government to undertake the first step in river development, which is the construction of an adequate dam and reservoir for flood and silt control, reimbursing itself for the costs from sales of stored water and the large quantities of power which can be incidentally generated. Future developments of the river by private or municipal enterprise will suffer no interference therefrom.

Mr. JOHNSON. Much was made by the Senator from Utah [Mr. Smoot] of the statements of Messrs. Kelly and La Rue. We may dismiss the former. I do not care to indulge in any animadversions upon an engineer who represents the United States Government and at the same time represents a power company. But while I do not desire to indulge in any animadversions upon such a gentleman I decline to accept his testimony in reference to any public work that shall be undertaken by our people.

I pass, therefore, Mr. Kelly, although much might be said concerning his attitude and the testimony that is reputed to have been given by him recently before the House committee.

Mr. La Rue was heard at extraordinary length by the Committee on Irrigation and Reclamation. We listened to him, I think, for a full day, listened to him with very great attention, and after listening to him the Committee on Irrigation and Reclamation reached, I think, the conclusion that he was, as he said, a hydrographer, and that the particular matter that we were dealing with was one upon which he was not in reality able to aid the committee in reaching a determination. We decided the report that had been submitted and the conclusions of the Government engineers were infinitely preferable to Mr. La Rue's views.

But, beyond that, sir, neither Kelly nor La Rue—and I call particularly this to your attention—has at any time assailed the engineering feasibility of the dam we propose to erect at Boulder Canyon. They may disagree in detail, one as to the cost, the

other as to the erection of more than one dam, or as to the mode of the development of the Colorado River in the best fashion, but as to the engineering feasibility of the structure that we seek neither interpose objection.

I call your attention, too, to the fact that the joint report that was signed by Mr. Kelly and the other engineers who were presumed to have looked through the Weymouth plan concluded with the statement:

It is believed that the most advantageous combination of the projects for the logical development of the Colorado River will include a dam at or near the site chosen by the Bureau of Reclamation for the Boulder Reservoir that will raise the water level to an elevation somewhere between 1,020 and 1,250 feet.

So that we see that the two witnesses, who, it was asserted by the Senator from Utah, had filed a sort of minority report, in reality do not disagree upon the main feature of the construction nor its feasibility.

I recall the testimony of the Secretary of Commerce, on page 601, in the Senate hearings. He said:

There are theoretical engineering reasons why flood control and storage works should be erected farther up the river and why storage works should be erected farther down the river; and I have not any doubt that, given another century of development on the river, all these things will be done. The problem that we have to consider, however, is what will serve the next generation in the most economical manner, and we must take capital expenditure and power markets into consideration in determining this. I can conceive the development of probably 15 different dams on the Colorado River, the securing of 6,000,000 or 7,000,000 horsepower; but the only place where there is an economic market for power to-day—at least, of any consequence—is in southern California, the economical distance for the most of such dams being too remote for that market. No doubt markets will grow in time so as to warrant the construction of dams all up and down the river. We have to consider here the problem of financing; that in the erection of a dam—or of any works, for that matter—we must make such recovery as we can on the cost, and therefore we must find an immediate market for power. For that reason it seems to be that logic drives us as near to the power market as possible and that it therefore takes us down into the lower canyon.

The dam there is recommended by the reclamation engineers, and I believe their latest view is 540 feet in height. This would, I believe, serve the triple purpose of flood control, storage, and power, so far as we can see ahead, for the development of irrigation, domestic water supply, and need of power for a good many years to come.

I do not believe that construction at that point is going to interfere with the systematic development of the Colorado River for storage and power above and below.

Dealing with the question of loss by evaporation, Mr. Hoover testified, on page 617:

The CHAIRMAN. Another objection urged by capable engineers is that construction of a dam and impounding of water at the Boulder Canyon would result in excessive evaporation. . . .

Secretary Hoover. Oh, assuming that would happen, it would not do any harm in the next generation and a half or two generations. We are not going to be using all of the water of the Colorado River for another 50 or 75 years. When the time comes that evaporated water is a large item there you will find a number of other dams already built on the river and you can reduce the level and thus the evaporation at the Boulder Dam. You can add to this in the next 75 years, to any number of contingencies.

Again, Mr. President, the objection is made by the Senator from Utah to the Government undertaking this work at all, but I assume he is familiar with the fact that private enterprise has in days gone by, and only recently too, signified its intention, if it had the opportunity and could obtain the permit, to do exactly the thing that the Government is going to undertake through Government engineers. When Mr. Miller and Mr. Ballard testified before the House committee and told of their desire to erect a dam at Boulder or at Black Canyon, just as we seek to do, there was no Senator from Utah to rise in his majesty and in his might and talk about the capability of the dam to withstand the waters of the Colorado River at that place or in any other place that Mr. Ballard or Mr. Miller, of the Southern California Edison Co., desired to erect their works.

There is a rule, sir, in this body which is invoked by some men, a rule for the Government of the United States of one sort, and another rule for an electric power trust or an electric company of an entirely different sort. That we may preserve the suggestions that were made by those who represented the Southern California Edison Co. I ask that I may print in the RECORD here as a part of my remarks the testimony given by John B. Miller, president of the Southern California Edison

Co., before the House Committee on Irrigation and Reclamation and the testimony of R. H. Ballard, vice president and general manager of that company, showing their desire to take this particular territory and this particular site and others and expend upon it, as Mr. Miller said, thirty million or forty million dollars per year.

The PRESIDING OFFICER (Mr. THOMAS in the chair). In the absence of objection, permission will be granted to insert the testimony referred to by the Senator from California.

The matter referred to is as follows:

HEARINGS BEFORE THE COMMITTEE ON IRRIGATION AND RECLAMATION
(H. R. 2903, 68th Cong., 1st sess.)

JOHN B. MILLER, PRESIDENT SOUTHERN CALIFORNIA EDISON CO.

This company, if given authority by the States whose water rights are affected, and if granted a license therefor under the Federal water power act, is prepared to undertake and itself finance dam construction on the Colorado River which will not only serve the purpose of hydro-electric-power production but will also provide the same full measure of flood control and supply of water for irrigation of arid lands as is contemplated under the pending bill. Its applications for license to carry on power development on the Colorado River are already on file with the Federal Power Commission and can be referred to for particulars. (p. 434).

Immediately upon securing the necessary Federal and States' authority we are prepared to undertake and finance construction work at the rate of \$30,000,000 to \$40,000,000 per year.

R. H. BALLARD, VICE PRESIDENT AND GENERAL MANAGER SOUTHERN CALIFORNIA EDISON CO.

Mr. RAKER. How long would it be before you would be able to have any construction if your company was given a license?

Mr. BALLARD. I should say that after the granting of a license we would begin construction in a week.

Mr. RAKER. And how long would it be before there would be any dam in there whereby the flood waters would be to the same extent controlled as well as, perhaps, the electrical development taken care of?

Mr. BALLARD. Within two years.

Mr. RAKER. That would be a construction at what point?

Mr. BALLARD. That would be one of the lower constructions.

Mr. RAKER. Needles, Topock, near the Black Canyon?

Mr. BALLARD. Well, I do not think that the company itself would construct the Topock Dam. That is strictly a flood-control proposition, as I understand it.

Mr. RAKER. That will be practically eliminated, so far as the electric company is concerned?

Mr. BALLARD. Yes, sir; that is purely and simply a flood-control proposition. Mr. Barre and other engineers tell me it should be considered in the interest of flood control, entirely separate from power.

Mr. RAKER. And any money invested in the Needles or Topock Dam and Reservoir would not add anything to the electrical development.

Mr. BALLARD. Excepting this, that with the developments up above the lower dam would act as a reregulating reservoir, which would be of very considerable value to power operation.

Mr. RAKER. But they could generate some electric energy from the lower dam.

Mr. BALLARD. They could later; but in the meantime, before they generate any electricity, the fact that there would be a reservoir down below would facilitate the power operations above and would be of value to those operations, removing the necessity of considering flood control every minute of the time in connection with the withdrawals of water or the operation of the power plant (pp. 492-493).

Mr. RAKER. Now, these applications that you have filed, I have understood from you this morning that they are filed with the intention, with the purpose, of carrying them forward to completion.

Mr. BALLARD. Yes; there is not the slightest doubt of that. There is every reason why they should go forward. The Colorado River development interconnected with our own development will be very, very beneficial and should be undertaken at once. There should be no delay. It is the intention of our company, if the petitions are granted, to immediately begin construction, without the slightest delay, to carry the construction forward (p. 494).

Mr. RAKER. What authority were you given when you came here to appear before the committee and make the presentation as to the attitude and what the Edison Co. would do if it was given permission and this was granted?

Mr. BALLARD. I was instructed by the president to come and make those statements (p. 495).

Mr. BALLARD. If we did not have the Colorado River development, then in the course of time, and before many years—12 or 15 years—the available sources of water-power development in our section of California would be exhausted. Then, the alternative is to go to the production of electricity by steam, installing more steam turbines and burning oil and natural gas, and with the exhaustion of those, burning coal, but we think the development of the Colorado River would be far better than a resort to steam-plant operation for the main supply,

although it is necessary in connection with our own development, and will be necessary in connection with the Colorado River development, to also have steam-power generating plants (p. 502).

Mr. JOHNSON. Is it not a strange thing, is it not a remarkable thing, that all the objections arise when we are going to do a humane thing for our people and when we are going to erect by the Government a dam that ought to challenge the admiration and fire the imagination of every man who has anything to do with it—is it not a remarkable thing that then fanciful objections are interposed and the plan is called fantastic, but when the Southern California Edison Co. or another power company files upon this site, as it has done, sir, and upon every other site that there is for the development of power on the Colorado River—is it not a remarkable thing the acquiescence with which their fillings are viewed by some people and the enthusiasm with which the work of these power companies is viewed? To erect this dam for the people is fantastic and absurd; to give private power companies the right to do exactly the same thing is a marvelous and wonderful undertaking. In one instance it is unsafe and threatens life; in the other it is safe and without danger to our people.

Do not think, even though the engineering data is here replete and full that the Secretary of the Interior would proceed without due caution. There is a law upon the statute books to-day, a law which I believe was passed at the instance of the junior Senator from Arizona, so that it might be applicable to certain dams built in his State, by which the Secretary of the Interior may employ, as he desires, experts to examine and oversee any technical constructions. The law is so brief that I read it, as follows:

Joint resolution authorizing the Secretary of the Interior to employ engineers for consultation in connection with the construction of dams for irrigation purposes (act June 28, 1926, ch. 704, 44 Stat. 776)

SECTION 1. Engineers for consultation on plans for dams; retired Army officers eligible: That the Secretary of the Interior be authorized, in his judgment and discretion, to employ for consultation on the plans and specifications for any dam proposed to be constructed by the Department of the Interior the services of not more than three experienced engineers, determined by him to have the necessary qualifications, without regard to civil-service requirements and at rates of compensation to be fixed by him for each, respectively, but not to exceed \$50 per day and necessary traveling expenses, including a per diem of not to exceed \$6 in lieu of subsistence for each engineer, respectively, not exceeding in the aggregate more than \$3,500 for any engineer so employed for the time employed and actually engaged upon such work: *Provided*, That retired officers of the Army may be employed by the Secretary of the Interior as consulting engineers in accordance with the provisions of this act (44 Stat. 776).

I would be perfectly willing to meet the fears that may be expressed by any Member of Congress or by any other person by putting into this bill an amendment providing that the Secretary of the Interior may employ such experts as he may desire, and that he may have such sum as may be deemed appropriate to pay such experts and have them do anything that reason or wisdom might suggest.

There is no question of the safety of this dam. There on the wall [indicating] are photographs of the territory. It does not need the eye of an engineer to see that God has built the walls there already; that nature has furnished the very foundation upon which a dam may be constructed; and, with the walls there fashioned by nature in order that we may construct a dam of the character that we desire, it only remains for man to have the courage to go ahead and do the work; to do as Roosevelt did when the Panama Canal was at stake and at issue—to "make the dirt fly" and to decide to do the work and let others do the talking.

Mr. President, it has been rather a sad thing that the prophecy I made in opening this case should have been justified in the remarks made by the senior Senator from Utah. I said then that certain individuals would seize upon the St. Francis Dam disaster in the San Francisquito Canyon in California in order to read a horrible lesson into dam construction in this country. He seized upon it with an avidity and an enthusiasm that was worthy of Josiah Newcomb, of the Power Trust, and seizing it with that avidity and that enthusiasm, he dwelt upon the possibilities if the dam that should be erected at Boulder Canyon should thereafter be destroyed.

When the St. Francis Dam disaster occurred Congressman SWING telegraphed those who were familiar with the proposed construction of the Boulder Dam and the site there, and also with the St. Francis Dam and its site, asking whether or not in their judgment the catastrophe at the St. Francis Dam in

any way affected the proposal to build a high dam in Boulder Canyon. He received replies as follows:

Former governor and former State Engineer J. G. Scrugham, of Reno, Nev., special advisor to the Secretary of the Interior, states:

St. Francis Dam disaster has no bearing on Boulder Canyon construction, as physical conditions are entirely different. Boulder Dam founded on monolithic rock braced between almost vertical canyon walls.

Dr. W. F. Durand, one of Secretary Work's special advisors on Boulder Dam, an engineer of the highest repute and standing, states:

Do not consider St. Francis Dam disaster cause for any modification my report to Secretary Work. Geological and physical conditions entirely different in the two cases. Dam site and foundation condition Boulder Canyon carefully and thoroughly examined by deep rock borings and extended study by geological experts. Safety high dam Boulder Canyon based upon these two lines evident.

Governor and former State engineer, Frank C. Emerson, of Wyoming, also a member of Secretary Work's advisory board, states:

I do not consider that the failure of the St. Francis Dam would require modification of my report as a special advisor to Secretary Work upon the Colorado River project. The said report states, under the discussion of conclusion 5, that at either Boulder Canyon or Black Canyon is found available an "excellent dam site both as to foundation conditions and side-wall materials." Either the granites of Boulder Canyon or the breccia of Black Canyon are of such strength as to safely carry the heavy loads that would be entailed by the weight of the dam itself and the pressures that would result from the impounding of water.

Mr. A. J. Wiley, member of the American Society of Civil Engineers and member of the American Institute of Consulting Engineers of Boise, Idaho, who studied the Boulder Dam project for the Secretary of the Interior, and who also acted as chairman of the governor's board for the examination of the St. Francis failure, states:

The St. Francis Dam did not fail because of any defect in the accepted theory of solid concrete gravity dam design. It failed simply and solely because the material upon which it was built was not strong enough to resist the pressure transmitted to it by the dam.

As compared with the strength of 523 pounds per square inch when dry to practically zero when wet as shown for the red conglomerate foundation under the west wing of the St. Francis Dam, the granite bedrock at the Boulder Canyon site of the Boulder Canyon Dam has a compressive strength of 22,200 pounds per square inch when dry and 19,000 pounds per square inch when wet. The breccia foundation of the Black Canyon, which will probably be the adopted site for the Boulder Canyon Dam, has a compressive strength of 13,900 pounds per square inch when dry and 11,100 when wet. The maximum compressive stress on the foundation will be about 550 pounds.

Prof. F. L. Ransome, professor of economic geology of the California Institute of Technology, formerly of the United States Geological Survey, who spent more than a month carefully studying the Boulder Canyon site on the ground, and made a favorable report thereon to the Interior Department, states:

The disaster of the St. Francis Dam was clearly due to the placing of the dam on an improper foundation. Nothing in the failure indicates that the design and construction of the dam itself was at fault. The gravity type concrete dam is still regarded by engineers as one of the safest and most permanent of man-made structures. I still regard the Boulder Canyon and Black Canyon sites as excellent for a high dam. There is no possibility at either of these sites for such a failure of foundation rock as occurred at the St. Francis Dam. During my careful examination of the Boulder and Black Canyon sites I saw no earthquake cracks and no evidence of the geological recent movement of the rocks. Had such cracks, as are mentioned by Mr. Douglas, been present they could not have escaped my notice.

Much was made by the Senator from Utah of the testimony of Mr. Walter Gordon Clark, and there was a slight bit of repartee between him and the junior Senator from Nevada [Mr. ONDIE] concerning the earthquakes that had occurred in that vicinity. The evident purpose of the Senator from Utah was to demonstrate that earthquakes were common in Black Canyon or in Boulder Canyon, and that these earthquakes rendered unsafe any construction such as is contemplated. His case was made entirely upon the testimony, as he asserted, of Mr. Walter Gordon Clark, a very excellent engineer.

After the speech of the Senator from Utah I received, without any solicitation whatsoever, and without any knowledge of where the gentleman was, a telegram from Mr. Clark reading as follows:

To-day's newspapers carry a reference to me in connection with Boulder Canyon bill. If report as printed is correct, then I have been incorrectly quoted. I, with engineering party, was camped in canyon at time earthquake occurred. Movement on north side of canyon was apparently greater than movement on south side, and, due to more precipitous side walls, brought down greater quantity of rock. Later investigation showed that quake, while not heavy, had left evidence from southern end of Black Canyon to the mouth of the Virgin River. This, however, in no wise discredits Boulder Canyon Dam site.

Do you not remember how the changes were rung by the Senator from Utah upon the testimony of Mr. Clark, and how he drew the awful picture of an earthquake occurring that would shake this dam, destroy it, and then that the great amount of water stored would flow down, as the water from the St. Francis Dam had flowed down the San Francisquito Canyon, and would overwhelm the peoples of Arizona and of California? But Mr. Clark wires me:

This, however, in no wise discredits Boulder Canyon Dam site. It is probable that most of the canyon follows line of fault. See General Goethals's testimony before House committee, H. R. 2903, part 4, page 747. After three years' careful study by General Goethals and myself we concluded that Boulder Canyon was the best, safest, and most desirable dam site on the river, and that fault line would not affect desirability of location but would only influence type of dam.

Mr. President, we found the Senator from Utah asserting General Goethals had never expressed an opinion favorable to the Boulder Dam site. We found him using Mr. Clark, the eminent engineer, as a witness in his behalf concerning the Boulder Dam site. Here we have from Mr. Clark, under date of May 5, 1928, the distinct and definite refutation of the Senator's words:

After three years' careful study by General Goethals and myself we concluded that Boulder Canyon was the best, safest, and most desirable dam site on the river, and that fault line would not affect desirability of location but would only influence type of dam.

The telegram then proceeds:

See my testimony before House committee, H. R. 2903, part 4, pages 773 and 775. General Goethals and I recommended rock fill dam as being more flexible and possessing higher factor of safety in the event of movement than would be the case with either concrete or masonry. I have always indorsed the Boulder Canyon Dam site without reservation as the safest and most desirable dam site between the foot of the Grand Canyon and the Mojave Valley. Please pass this information on to Senators SMOOT and ODDIE.

WALTER GORDON CLARK.

I pass it on to the senior Senator from Utah and to my friend, the junior Senator from Nevada. It would be of no value to pass on the opinion of General Goethals, of course, to the senior Senator from Utah; but I pass it on, nevertheless, in the hope that he may put it in some other address upon this subject, one not so lengthy but more accurate, and that General Goethals testified before the House committee and when interrogated by the Senator from Arizona [Mr. HAYDEN] spoke thus:

General GOETHALS. I have seen the fault which Mr. Clark pointed out that he had noticed there.

Mr. HAYDEN. Are you convinced that the danger from earthquakes is so serious that a rigid masonry type of dam should not be adopted at that site?

General GOETHALS. No. As between the masonry dam and the concrete or the rock-filled dam going to that height I would rather put in a rock-filled dam; that is all.

Mr. HAYDEN. Any type of dam, if properly constructed, would be a safe dam at Boulder Canyon?

General GOETHALS. I think so.

Mr. C. E. Grunsky was one of the engineers on the Panama Canal, an engineer of international reputation. Very recently he made a statement in regard to this site and its situation. He said:

If the high dam in Boulder or Black Canyon is authorized by Congress, such dam in no event will be erected until after fullest investigations have been made not only as to sufficiency of the structure but also of the sufficiency of the geologic structure at the dam site and the adaptability of the type of dam to the dam site and its geologic structure. Falling in getting favorable report, no department of the Government would venture to proceed. The measure pending carries its own safeguards.

This investigation which I have outlined can not be made before authorization for the structure. It must follow authorization but pre-

cede construction. I am confident that Arthur P. Davis, F. E. Weymouth, and the engineers working under them in the Bureau of Reclamation have investigated sufficiently and that the engineering data which they have collected is a safe basis for action by Congress. They have built the outstanding dams of the world.

The Arrowrock Dam, built by the Bureau of Reclamation when Davis was at its head, is 325 feet high. Davis is building one now for Oakland and the other east bay cities in California equally high. A higher dam presents no new problems and can be safely built with utmost confidence if the foundation bedrock and sidewalls are all right. There is no reason apparent at the present to create doubt as to the safety of a high dam in Boulder or Black Canyon.

The silt problem—

And of this I shall have more to say in just a moment in the very brief remarks with which I conclude:

The silt problem in the Colorado River is a reason for building a high dam with large storage capacity. We know the river carries a large amount of silt. The amount carried in suspension in the water varies from three-tenths of 1 per cent to as much as 3 or 4 per cent by weight.

The aggregate amount of silt carried in suspension in the lower reaches of the river is about 100,000 acre-feet per year. To this there is to be added the silt which is entrained by the waters of the river along its bed, the so-called bed load. The amount of this is not definitely known.

In view of the large quantity of silt which it is known will have to be cared for a reservoir of great capacity has a large advantage over several small reservoirs. It will take many more years for the reduction of its capacity by silt deposit than would be the case with reservoirs of small capacity. A reservoir of great capacity should be expected to give undiminished service on the Colorado much longer than a number of equivalent small reservoirs, because the amount of silt trapped in a number of reservoirs will be larger than would be trapped in a single reservoir and because the loss of effectiveness of a series of small reservoirs will begin earlier than in the case of a reservoir which will fulfill its purpose adequately even after its capacity has been materially reduced by the deposit of silt. A high Boulder Dam would create a reservoir that could receive the silt and would continue to function properly for a very long time.

I received a wire as well from Anson H. Smith, a well-known citizen of Kingham, Ariz., in regard to the statements made concerning earthquakes. He says:

Statements that Boulder site is in earthquake zone absolutely false. Boulder Canyon in massive granite and most ideal site geologically. Oldest inhabitant never felt quake and adobe houses built there in early sixties show no evidence of tremors. Old stone foundation laid up with stone and mud in canyon is still intact, built in 1864. Mohave Canyon is in volcanic and conglomerate, Glenn Canyon is sedimentary, and whole territory north of Flagstaff shows daily earth movement.

There is one other question to which I want to advert very hastily. I want to demonstrate, if I am able to do so, the utter hollowness of the pretense that there should be a flood-control dam built in the Colorado River or a flood-control appropriation made. I desire, first, that the Senate may understand that one of the great problems of the Colorado River is silt. As much silt comes down the Colorado River in a year as will equal the entire excavations of the Panama Canal. This silt coming down the Colorado River is one of its gravest and greatest problems, and it has been in the past one of the reasons that have caused the floods of that river.

A dam that is built in the Colorado River must either impound that silt or permit it to pass. If it permits it to pass, then it is of doubtful value to the territory below, because it is the constant filling up of the Colorado River from the silt filling up, filling up, filling up, that causes the grave danger of flood in that territory. If the design is to impound the silt, it is obvious that a low dam will not do the job as a high dam will; and with the immense quantity coming down a low dam will serve its purpose for a very brief period indeed.

Beyond that, sir, when it comes to the question of a mere flood-control dam, we find in united opposition to any such dam the Governor of the State of Utah, the Governor of the State of Wyoming, the Representatives of the State of New Mexico, and the Representatives of the State of Colorado. I read from the testimony taken before the House Committee on Irrigation and Reclamation so that there may be something of an adequate understanding of the suggestion of a flood-control dam. I read first from the testimony of H. S. McCluskey, member of the Colorado River Commission of Arizona:

Mr. McCLUSKEY. Well, I will go further; I assert that if the upper basin States will not object to the building of a flood-control dam and an agricultural development in California, the State of Arizona will not object.

Mr. SWING. Now, is that because you think they ought not to object, or do you make that offer because you think you are perfectly safe in making it?

Mr. McCLUSKEY. I know they will object (pp. 146, 147).

George H. Dern, Governor of the State of Utah, used this language and said these things:

I have visited the Imperial Valley and have some first-hand knowledge of the flood menace. I agree that there is a flood menace, which is a constant dread and source of expense to the people of the valley, and I hope they may be given relief as speedily as possible (p. 195).

Utah, however, is in hearty sympathy with Imperial Valley's need for flood protection, and we are for it on any terms that will not infringe the rights of the upper States. I repeat that we are flatly opposed to the proposition that Congress shall authorize the construction of a mere flood-control dam at Government expense without first completing the Colorado River compact (p. 196).

Mr. DOUGLAS. Now, a word about flood control; are you opposed to flood control or flood relief?

Governor DERN. No; I tried to show yesterday that I am very sympathetic with flood relief. I am not opposed to it if we can get it for the Imperial Valley on the right terms.

Mr. DOUGLAS. You are perfectly willing to give adequate flood control to the Imperial Valley on the right terms? What, in your opinion, might be those terms?

Governor DERN. On such terms as will make it impossible for undue priorities to be set up and militate against us. We want our share of the water of the river definitely reserved for our future use and development, by exemption from the law of prior appropriation. When that is done we shall be very glad indeed to do everything within our power to give the Imperial Valley adequate flood protection. That priority applies to Mexico, remember, as well as to the lower basin States (pp. 258-259).

Mr. DOUGLAS. Do you object to storage of water in advance of a compact?

Governor DERN. Yes, sir; I do.

Mr. DOUGLAS. Governor, would you mind stating your reason for that?

Governor DERN. On account of the fact that any storage works would result in a regulated flow of the stream, which the lower States might put to beneficial use, and thereby acquire priorities which they would maintain were good. By that means they might acquire rights to practically the entire river before we got ready to use our share, and when we got ready to use our water we would be met by the claim of the lower States that they used the water first and had acquired a right to it. In other words, we would in a very literal sense be left high and dry and our future development would be limited or ended. It is essential to our future development that we shall have protection in advance of storage.

Mr. DOUGLAS. When I used the word "compact" in that question I was referring to a seven-State compact. In other words, your objections to storage in advance of a compact are applicable if you define that word "compact" as a seven-State compact. Is it your position that without a seven-State compact the upper basin States are not protected?

Governor DERN. They are not fully protected. We would have some protection under a six-State compact, but we would not have full protection. This is a matter in which we feel that we are entitled to full protection (p. 260).

The Governor of the State of Utah, the chief witness who is used by my Arizona friends, says that he speaks officially when he says that his State opposes the construction of a flood-control dam on the Colorado River at all. I have the testimony here given before the committees of both the Senate and the House upon that subject and it is so plain and unequivocal that there can be no question respecting it.

Mr. Francis B. Wilson, interstate river commissioner for New Mexico, wrote a letter to leader TILSON, which explains his views with a clarity and with an ability that I would not attempt to emulate. He, as well, says that flood control will not do the job, and he is opposed to it. He said:

Mr. SINNOTT. I understood you to say a moment ago that you were going to take up the matter of flood control.

Mr. WILSON. Upon that point I want to say that I am heartily in accord with the statements made by Governor Dern, except that I would go further. I embodied my ideas in that connection in a letter to Congressman TILSON, and I do not know that it is necessary for me to repeat them.

Mr. MORROW. You can put that into the record—that letter.

Mr. WILSON. I could do that. I think that does exactly state my position and states the position of New Mexico in connection with that particular thing. We are unalterably opposed to a mere flood-control dam, without a seven-State compact, because we do not believe that such a dam will satisfy any of the necessary conditions surrounding the situation. It certainly would not furnish flood control except as a

temporary expedient. It could not take care of the silt from the river, and therefore, in our view, would not operate ultimately as a sufficient factor in that respect. I will not read the letter unless it is desired (p. 296).

The Boulder Dam project has for one of its principal purposes flood control; and while it may be argued by the advocates of a flood-control dam that this purpose will be satisfied by the construction of such a dam, yet it could not be anything more than a temporary expedient. I am not an engineer, but I view the desilting of the stream as important an element in flood control as that of actual control of the water during flood seasons. Any dam which is constructed must be adequate from both standpoints, and I am unable to believe that a mere flood-control dam will function efficiently as a desilting proposition. If it is a fact, and I have never heard it controverted, that the Colorado River discharges annually a volume of silt equal to the total amount of dirt removed for the excavation of the Panama Canal, it would appear that a flood-control dam could not remedy one of the most difficult factors in any program involving protection of the Imperial Valley. If I am correct in this conclusion, then a flood-control dam will fail essentially to accomplish the purpose of those who advocate it. No project except the Boulder Dam could fulfill adequately both purposes (p. 297).

The flood-control dam proposals seem to us to represent an effort on the part of those who do not want to see the project constructed to add to the controversial matter now before Congress by pitchforking into the arena ideas of alleged economy which have no place in any fair consideration of the subject, for the reason that the taxpayers' money is safeguarded by the power end of the project at Boulder Canyon (p. 298).

Frank C. Emerson, Governor of the State of Wyoming, says in so many words:

We would object to a flood-control dam or any reservoir proposed for large storage of water if a compact to protect the interests of the upper States were lacking.

Mr. L. Ward Bannister, special counsel for the city of Denver, said:

And so, too, in respect to mere flood control bills; I could not state the case any better than it was stated by Governor Dern. It is evident that the Government has no way of controlling the acquisition of priorities below a mere flood-control dam, and, therefore, no way of protecting the upper States. Again, if a dam were a mere flood-control dam, there would be no storage in it and, therefore, no way of satisfying existing priorities during the low flow of the river. There would be no imposing of the limitations of the Colorado River compact upon the basin in order to exercise as far as possible the statutory powers of Congress. So there is nothing in a dam for mere flood control (pp. 328-9).

Thus we have every State in the upper basin saying that it will not permit under any circumstances a flood-control dam. We have more than that. We have the indubitable fact that a mere flood-control dam would be utterly useless unless it impounded the silt that came down the Colorado River, and no mere flood-control dam would be built of sufficient height to do that thing. Some dams are built with a hole in them in order that the silt may pass through. You could not do that with the silt of the Colorado without injuring the land below and without inviting floods below. If you let it fill up in the few years that it would take to fill up, you have done an utterly futile and an utterly useless thing.

Here is a unified scheme and a unified plan. Here is the crystallization of the sentiment of the last 10 years in relation to the Colorado River. Here, finally, is the way by which flood control can be accorded, by which there may be irrigation and reclamation, by which we may give potable-water relief to the territory that requires it, by which we may solve an intolerable international situation. The only thing that stands in the way of all these beneficent purposes is that some men who are already rich beyond the dreams of avarice say, "You shall not have a dam where any power is generated."

Oh, we must be weak, we must be feeble, we must be worse than that, if the command or the mandate of those who sit in the city of Washington to-day as the masters of legislation is sufficient to restrain us from doing the things that this high dam would do and passing legislation so needed and beneficent.

It is said that a flood-control dam can be constructed 120 miles closer to the property to be protected at Boulder Canyon at a cost of \$15,000,000. This refers to the Mohave site, commonly referred to as Topock. That was a new discovery of the Senator from Utah! It is not a new discovery. It is the scheme proposed by the power companies of southern California and the owners of land in Mexico on the other side of the line. It was their proposal from the beginning of this controversy, and from the very time that the first bill was introduced the men who own 850,000 acres of land over the border of Imperial

County, in Mexico, and the power companies of southern California, said, "We will let you build a low dam at Topock, build a low dam there that generates no power, we will permit the Congress of the United States and the Government of the United States and the Senate of the United States to enact legislation that thus we say you may enact, but if you enact anything different, we will exercise our veto power and forbid it." This suggestion of a low dam for flood control was originally proposed by the power companies, not that they expect it to be adopted, but because the strategy of private interests is always to suggest something other than that which will benefit the people, and thus transmute the contest.

The site of Topock was investigated by the Bureau of Reclamation in a preliminary way and is reported upon in volume 7 of the so-called Weymouth supplementary report, beginning at page 88 and continuing for the balance of the volume. The foundation was not drilled for the reason, as indicated, that the expense of drilling was not justified. Estimates were made, and it was found that for a 6,000,000 acre-foot flood-control reservoir the cost would be \$15,391,238, and for a 10,000,000 acre-foot flood-control reservoir the cost would be \$17,241,575. These estimates are without taking into account the cost of removing the railroad and other property including the town of Needles, which was estimated to cost nearly \$9,000,000. In other words, the cost of a 10,000,000 acre-foot flood-control reservoir was estimated at \$26,000,000 and of a 6,000,000 acre-foot reservoir at \$24,000,000. Further estimates were made on a 4,000,000 acre-foot flood-control reservoir and the estimated cost was \$22,500,000. Even these estimates do not take into account the total destruction of some 35,000 acres of irrigable land within the reservoir site. A reservoir constructed at this point would produce no power and there would be no means of repaying the Government the outlay of money required for its construction, and after all is said and done, it is not known that a reservoir can be constructed at that point at all.

Mr. A. P. Davis, former Director of the Reclamation Service, testified before the House Committee on Irrigation and Reclamation, H. R. 2903, page 1385, in a way which is very pertinent to the present discussion as follows:

It has been said that flood control can be obtained more quickly by a dam in Mohave Canyon than by one in Boulder Canyon. This is not a reasonable assumption. The investigations of Boulder Canyon have occupied nearly three years and the same critics say they are not sufficient. No investigations of Mohave Canyon have been made and after these are completed it would be necessary to take up negotiations with the railroad and hotel companies and hundreds of property owners for the removal of the railroad and the city of Needles. . . . The development of Mohave Canyon for flood control only will cost about the same as the Boulder Canyon and will destroy 34,000 acres of irrigable land directly in the river bottom, mostly in Arizona. . . .

It has been stated here that a flood-control dam can be provided at Mohave Canyon for \$10,000,000—that, I believe, is in the testimony—whereas the facts are that this amount will be expended upon damages exclusive of the dam. . . .

After reciting numerous objections to the Mohave site, Mr. Davis continues:

with all these facts staring us in the face to build a dam in Mohave Canyon would be inexcusable. This is the reason this site has not been drilled or otherwise investigated. Like hundreds of other sites on the river, a general knowledge of its conditions show so plainly that it is inadvisable that money spent on investigation would be wasted. Its one "virtue" is that it produces no power or so little that none of the power companies have applied for it, although anxious to possess all of the desirable sites.

The only recommendations for a dam at Mohave Canyon that have come to my attention are those of Mr. Stabler, Mr. LaRue, and Colonel Kelly. Mr. Stabler, at page 1548 of the hearings on H. R. 2903, states that the facts are not known and the estimates of cost are not much more than a guess. Mr. LaRue, on page 968 of hearings on H. R. 2903, states—

since only meager data are available regarding the Glen Canyon and Mohave Canyon storage sites, it is not possible to prepare a reliable estimate of the cost of these projects.

Colonel Kelly gives the same indication in his testimony on H. R. 2903, at page 1274. While it may be, and doubtless is, a fact that a dam could be built at Topock in Mohave Canyon, it certainly is not a fact that it could be completed for \$15,000,000. It is a fact that it would cost a great deal more and it is furthermore a fact that money spent at that site, while it might accomplish to a limited extent flood control, would accomplish none of the other purposes of this bill, namely, silt control, augmented water supply, control of the river as between the United States and Mexico, the approval of the Colorado River compact between the States, domestic water supply and power

as a means of repaying the major part of the cost of the whole development.

We are told that the Mohave dam can be built and flood relief accomplished quickly, whereas it will take 10 years to accomplish flood relief at Boulder Canyon. The converse is true. As Mr. Davis testified, the Mohave site has not been drilled, and since the working season of 3 years was spent on the drilling of the site at Boulder Canyon, it may be assumed that it would take a like period at Mohave Canyon, and after the site is drilled and it is found a dam can be built at that point, then the Santa Fe Railroad and other properties must be purchased through private negotiations or condemnation proceedings, and after that it would take some years to build a dam, while all of these preliminary steps have already been taken at Boulder Canyon. The estimate for building the dam at Boulder Canyon is placed at about 7 years, but flood control will be accomplished within half of that time. In fact, it is estimated that the first units of the power plants to be constructed at that point will be placed in operation 3 years before the final completion. Certainly before power houses can be operated the river will be sufficiently controlled to accomplish a large measure, if not complete, flood protection. In other words, if the Boulder Dam is authorized now flood protection will be accomplished within 3 or 4 years, whereas at Mohave Canyon that time will be consumed in getting ready to commence construction.

At the time the matter was pending before the committee, and when the Senator from Arizona had asked the committee to approve an amendment for flood control alone, I took the matter up with the Department of the Interior. The department was opposed to it, as it ought to have been. The other day, however, I wrote again to the department and asked the views of the department upon the construction of a flood-control dam at Topock in the Mohave Canyon. I have here the letter, signed by the Secretary of the Interior, upon that subject. It is as follows:

THE SECRETARY OF THE INTERIOR,
Washington, May 19, 1928.

Hon. HIRAM W. JOHNSON,
United States Senate.

MY DEAR SENATOR JOHNSON: Receipt is acknowledged of your letter of May 16, 1928, requesting my views as to the construction of a low flood-control dam at Topock or elsewhere on the lower Colorado.

The Topock or Mohave Valley reservoir site is about 2½ miles below the Topock crossing of the Santa Fe Railroad. It is calculated that a dam built to raise the water surface 160 feet will have a capacity of about 10,000,000 acre-feet. A preliminary estimate prepared in February, 1924, shows the cost of this reservoir to be—

Capacity in acre-feet:	Estimated cost
4,000,000	\$22,500,000
6,000,000	24,000,000
10,000,000	26,000,000

The disadvantages of this site are:

- (1) It would inundate a large irrigable area and a valuable portion of an Indian reservation.
- (2) It would submerge the town of Needles, a railroad division point.
- (3) It would necessitate reconstruction of 18 to 20 miles of main-line, double-track railroad (Santa Fe).
- (4) It would necessitate reconstruction of portion of a transcontinental highway.
- (5) It is not a good power site.
- (6) It is not large enough to provide storage for silt.
- (7) The site is not adapted to raising the dam to provide for ultimate storage requirements.
- (8) The proposed high dam at Boulder Canyon will furnish more than twice the storage at a little more than 50 per cent increase in cost.

Prof. W. F. Durand, who recently at my request made a special study of the Colorado River project, finds that this storage is entirely inadequate for the needful silt, flood, and general regulation and which can be secured at Boulder Canyon; also that a reservoir at Topock would be relatively shallow in depth and large in area, thus augmenting the loss of water by evaporation. The same considerations operate to render consideration of other possible sites below Boulder Canyon inadvisable.

As an alternative to Topock, it has been suggested that a dam be built at Boulder Canyon of such lower height as to provide only for flood control. The objection to this is that the foundations and regulating works are the most difficult and costly part of this construction. Such a dam would cost from \$30,000,000 to \$38,000,000 and would be open to the objection that its value would be rapidly impaired by silt deposits, and there would be no possibility of the large revenues from power which are anticipated from the higher structure.

To meet the needs of the lower basin the dam must be high enough and the reservoir large enough to satisfy all requirements for at least 50 years. Water users in the lower basin in Arizona and California

have already appropriated ten times the low-water flow of the river. This demand must be met, in addition to whatever rights Mexico may have acquired through actual use. Unless such provision is made there will be no satisfactory security for future development in either Arizona or California, and this uncertainty and menace will extend to subsequent rights to be established on the upper stream.

The feasibility of the all-American canal from a repayment standpoint depends upon the irrigation of the large area of fertile, irrigable land lying above the present Imperial irrigation district. To do this requires a greater additional water supply than the small reservoir above referred to would provide.

Failure to provide the water supply essential to the solvency of the all-American canal leaves the California irrigators in the Imperial Valley in the existing unsatisfactory state of dependence upon a Mexican concession, while the continued operation of that concession would mean inevitably a large increase in the irrigated area in Mexico.

Very truly yours,

HUBERT WORK.

These are some of the reasons, and some of the reasons only, why there should not be a low dam constructed at Topock. No appropriation for mere flood control could ever be obtained. Each department would object, and every upper basin State is emphatically against it.

I apologize to the Senate for the time that has been taken in this matter, but there was nothing else to do under the circumstances, when a gentleman stands here and reads a speech, a speech lasting two days, containing some 40,000 words, and assails for the first time in his connection with the history of this entire controversy the feasibility of the project that is before the Senate to-day. He has been familiar with it from the time that this bill was introduced, and when every other bill has been before the Congress of the United States. Never before did he assail it technically until he appeared upon the floor of the Senate with 40,000 words—I will not say written for him, but written by him, we will say—but then did he, for the first time, voice his opposition from an engineering standpoint to the construction of the dam at Boulder Canyon. Who better can judge—he or the engineers of the United States Government; he or 13 out of 14 members of the Committee on Irrigation and Reclamation who voted upon the bill? For two years we have sat in judgment upon this matter not only in Washington hearing words from the lips of witnesses but the committee, pursuing its duty, two years ago and a year and a half ago went down to that very territory and on a boat went through that very canyon. Not only that but it took testimony upon the very ground. It went to the cities of Arizona—Yuma, Prescott, and Phoenix—and took the testimony there offered. It went to Las Vegas and took testimony there.

The committee has pursued its investigations for a period of three years. Now, after it has pursued its investigations and declared in favor of the bill, now when every engineer of repute and standing that is not employed by a power company says it is a feasible proposition, now when we know the benefits that will come from a project of this sort, now shall we be halted, sir, in doing our duty because there is a power that is greater than government and that says we may not proceed in a constitutional way to perform our duty unto our people? This is the test, sir, of legislation. This is the test, sir, of the United States Senate. This is the test, sir, of whether or not in this country there yet exist enough men in official position to defy the power that comes from nine billions of dollars represented by a great trust, and whether or not we dare fulfill the mission that is ours and do our duty unto those who sent us here.

Mr. HAYDEN obtained the floor.

Mr. EDWARDS. Mr. President—

The PRESIDING OFFICER (Mr. THOMAS in the chair). Does the Senator from Arizona yield to the Senator from New Jersey?

Mr. HAYDEN. I yield.

Mr. EDWARDS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Curtis	Harrison	Mayfield
Barkley	Cutting	Hawes	Metcalf
Bayard	Dale	Hayden	Moses
Bingham	Dill	Hedin	Neely
Black	Edge	Howell	Norbeck
Blaine	Edwards	Johnson	Norris
Blease	Fess	Kendrick	Nye
Borah	George	Keyes	Oddie
Bratton	Gerry	King	Overman
Brookhart	Gillett	La Follette	Phelps
Broussard	Glass	Lecher	Pine
Capper	Goff	McKellar	Pittman
Caraway	Greene	McLean	Reed, Pa.
Copeland	Hale	McMaster	Robinson, Ark.
Couzens	Harris	McNary	Sackett

Schall	Smith	Tydings	Walsh, Mont.
Sheppard	Steiwer	Tyson	Warren
Shipstead	Stephens	Vandenberg	Waterman
Shortridge	Swanson	Wagner	Wheeler
Simmons	Thomas	Walsh, Mass.	

Mr. McNARY. I desire to announce the necessary absence of the Senator from Illinois [Mr. DENEEN] and the Senator from Florida [Mr. FLETCHER] on business of the Senate.

The PRESIDING OFFICER. Seventy-nine Senators having answered to their names, a quorum is present.

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

Mr. HAYDEN. I yield.

Mr. NEELY. I propose the following amendment to the pending bill (S. 728), which I ask to have reported from the desk.

The PRESIDING OFFICER. The clerk will read the proposed amendment.

The CHIEF CLERK. On page 2, line 24, strike out the period and insert a colon, and insert the following proviso:

Provided, That the laws of any State in which any part of the construction work herein authorized is performed, with respect to the employment of laborers and mechanics on State, county, or municipal public works, shall apply to the employment of laborers and mechanics upon any part of the construction work herein authorized.

Mr. NEELY. Mr. President, the laws of California and Arizona provide that in employing laborers and mechanics on public work American citizens—native and naturalized—shall be preferred to aliens. The law of Nevada goes further and provides a preference for the veterans of our various wars.

The object of the proposed amendment is to cause the Federal Government, in constructing Boulder Dam and in doing any other work immediately pertaining to the project, to preserve to our veterans and our citizens the rights and preferences conferred upon them by the laws of the States in which construction work on Boulder Dam may be done.

The PRESIDING OFFICER. The amendment will lie on the table and be printed.

ELIMINATION AND REDUCTION OF TAXES ON AUTOMOBILES AND THEATER TICKETS

Mr. NEELY. Mr. President, the revenue bill which the Senate passed last night relieves the people of the tax of 3 per cent on the selling price of automobiles, including Fords and all other cheap cars; it also relieves the patrons of theaters and other places of innocent amusement of all taxes on their tickets of admission which do not cost more than \$3 each.

In view of the manifestly indefensible long continuation of these most intolerable nuisance taxes, I invite attention to the fact that on the 24th day of February, 1926, when the conference report on the existing revenue law was before the Senate I made the following motion:

First, to insist upon Senate amendment No. 108 repealing existing taxes and dues on tickets of admission to theaters and other places of amusement; and

Second, to insist upon Senate amendment No. 109 repealing the tax of 3 per cent on the selling price of automobiles.

I pleaded in vain with the Senate to adopt the motion which I have just read. The distinguished Senator from Pennsylvania [Mr. REED], in opposing the motion, said, among other things, as shown on page 4486 of the CONGRESSIONAL RECORD for February 24, 1926:

Mr. President, if the motion of the Senator from West Virginia should carry, this bill would go back to conference with instructions to stand on the repeal of the admissions tax, which means \$23,000,000 to \$24,000,000 a year off the revenue of the United States, and it would mean the striking out also of \$69,000,000 now received from the tax on the purchase price of automobiles, 3 per cent on the manufacture's price of the automobile, a tax of about \$7.50 on the average Ford touring car. It would mean a deficit in the Budget of the Nation of from \$92,000,000 to \$93,000,000 a year.

In spite of the pessimistic prediction that the adoption of my motion would create a deficit in the Budget of the Nation, we now know that there was at the end of the fiscal year 1926 a Treasury surplus of \$377,767,817, and that there was at the end of the fiscal year 1927 a Treasury surplus of \$635,809,922. The foregoing conclusively proves that the Federal Government has compelled the people to pay automobile taxes and taxes on tickets to theaters and other places of amusement during the last two years without a semblance of necessity or a shadow of justification. If my motion had prevailed two years ago, figures now available show that American automobile buyers would have been saved \$66,000,000 a year, or a total of \$132,000,000, and that American theater goers would have been saved \$17,000,000 a year, or a total of \$34,000,000.

Let me congratulate the country upon the fact that the Senate has after long and inexcusable neglect done what I implored it to do two years ago. Although no part of the vast sum unjustly collected from the theater goers and automobile purchasers during the last two years will ever be returned to them, they nevertheless have occasion to rejoice because of the fact that they will in the future escape the burdens of the indefensible nuisance taxes which they have so long and so unnecessarily been compelled to pay.

SENATOR HEFLIN'S TELEGRAM TO GOVERNOR MOODY

Mr. HEFLIN. Mr. President, I have here a copy of a telegram which I have just sent to Governor Moody, of Texas. The Texas convention meets to-day. I would like to have it read at the desk so that it will appear in the RECORD.

The PRESIDING OFFICER. Without objection, the clerk will read, as requested.

The Chief Clerk read the telegram, as follows:

WASHINGTON, D. C., May 22, 1928.

Gov. DAN MOODY,

Care Chairman Democratic Convention, Beaumont, Tex.:

The charge that Governor Smith is an ardent advocate of social equality; that the Manufacturers Record, of Baltimore, charges that there are dance halls in New York City where negro men and women dance with white men and women every night; and the charge that when the antilynching bill passed the House Tammany Democrats turned their backs on the South and did not give us a single vote have not been and can not be denied by Governor Smith.

J. THOS. HEFLIN.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the bill (S. 2965) authorizing the State of Indiana, acting by and through the State highway commission, to construct, maintain, and operate a toll bridge across the Wabash River at or near Vincennes, Ind.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 2808) for the relief of Ella G. Richter, daughter of Henry W. Richter.

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

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

H. R. 8926. An act granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across Red River at or near Garland City, Ark.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5898) to authorize certain officers of the United States Navy and Marine Corps to accept such decorations, orders, and medals as have been tendered them by foreign governments in appreciation of services rendered.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the joint resolution (S. J. Res. 23) providing for the participation of the United States in the celebration in 1929 and 1930 of the one hundred and fiftieth anniversary of the conquest of the Northwest Territory by Gen. George Rogers Clark and his army, and authorizing an appropriation for the construction of a permanent memorial of the Revolutionary War in the West and of the accession of the old Northwest to the United States on the site of Fort Sackville, which was captured by George Rogers Clark and his men February 25, 1779.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 1) to reduce and equalize taxation, provide revenue, and for other purposes; agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. HAWLEY, Mr. TREADWAY, Mr. BACHARACH, Mr. GARNER of Texas, and Mr. COLLIER were appointed managers on the part of the House at the conference.

The message further announced that the House had passed a bill (H. R. 9343) to provide for dispensing with oath or affirmation as a method of verifying certain written instruments, in which it requested the concurrence of the Senate.

The message also requested the Senate to return to the House of Representatives the bill (S. 2972) for the further protection of fish in the District of Columbia, and for other purposes.

The message further announced that the President of the United States having returned to the House of Representatives the bill (H. R. 5681) to provide a differential in pay for night work in the Postal Service, with his objections thereto, the House proceeded, in pursuance of the Constitution, to reconsider

the same, and the bill was passed, two-thirds of the House of Representatives agreeing to pass the same.

The message also announced that the President of the United States having returned to the House of Representatives the bill (H. R. 7900) granting allowances for rent, fuel, light, and equipment to postmasters of the fourth class, and for other purposes, with his objections thereto, the House proceeded, in pursuance of the Constitution, to reconsider the same, and the bill was passed, two-thirds of the House of Representatives agreeing to pass the same.

HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

The following bills and joint resolutions were severally read twice by their titles and referred as indicated below:

H. R. 496. An act authorizing an appropriation for development of potash jointly by the Department of Agriculture and the Department of Commerce by improved methods of recovering potash from deposits in the United States; to the Committee on Mines and Mining.

H. R. 10073. An act to change the name of Railroad Avenue between Nichols Avenue and Massachusetts Avenue; to the Committee on the District of Columbia.

H. R. 12064. An act to discontinue certain reports now required by law to be made annually to Congress; to the Committee on Expenditures in the Executive Departments.

H. R. 12236. An act to provide an appropriation for the payment of claims of persons who suffered property damage, death, or personal injury due to the explosion at the naval ammunition depot, Lake Denmark, N. J., July 10, 1926; to the Committee on Claims.

H. R. 12938. An act for the relief of the State of Ohio; to the Committee on Military Affairs.

H. R. 7346. An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment thereon in claims which the Winnebago Tribe of Indians may have against the United States, and for other purposes; and

H. R. 11468. An act authorizing the Secretary of the Interior to execute an agreement or agreements with drainage district or districts providing for drainage and reclamation of Kootenai Indian allotments in Idaho within the exterior boundaries of such district or districts that may be benefited by the drainage and reclamation work, and for other purposes; to the Committee on Indian Affairs.

H. R. 8327. An act for the relief of certain members of the Navy and Marine Corps who were discharged because of misrepresentation of age; and

H. R. 12879. An act to repeal section 1445 of the Revised Statutes of the United States; to the Committee on Naval Affairs.

H. R. 10435. An act providing for the extension of the time limitations under which patents were issued in the case of persons who served in the military or naval forces of the United States during the World War; and

H. R. 13109. An act to protect trade-marks used in commerce, to authorize the registration of such trade-marks, and for other purposes; to the Committee on Patents.

H. R. 11471. An act extending the time of construction payments on the Rio Grande Federal irrigation project, New Mexico-Texas; and

H. R. 13143. An act to adjust the compensation of certain employees in the customs service; ordered to be placed on the calendar.

H. R. 9297. An act authorizing the adjustment of the boundaries of the Olympic National Forest, Wash., and for other purposes;

H. R. 10157. An act making an additional grant of lands for the support and maintenance of the Agricultural College and School of Mines of the Territory of Alaska, and for other purposes; and

H. R. 12113. An act providing for the acquirement by the United States of privately owned lands situated within certain townships in the Lincoln National Forest, in the State of New Mexico, by exchanging therefor lands on the public domain also within such State; to the Committee on Public Lands and Surveys.

H. R. 393. An act to provide for the fifteenth and subsequent decennial censuses;

H. R. 12894. An act to extend the times for commencing and completing the construction of an overhead viaduct across the Mahoning River at or near Niles, Ohio;

H. R. 13141. An act authorizing T. S. Hassell, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Tennessee River at or near Clifton, Wayne County, Tenn.;

H. R. 13203. An act granting the consent of Congress to the State Highway Commission, Commonwealth of Kentucky, to

construct, maintain, and operate a toll bridge across the Cumberland River at or near Burnside, Pulaski County, Ky.;

H. R. 13380. An act authorizing D. T. Hargraves and John W. Dulaney, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Helena, Ark.; and

H. R. 13484. An act authorizing preliminary examinations of sundry streams with a view to the control of their floods, and for other purposes; to the Committee on Commerce.

H. R. 7200. An act to amend section 321 of the Penal Code;

H. R. 9343. An act to provide for dispensing with oath or affirmation as a method of verifying certain written instruments;

H. R. 9778. An act to amend an act entitled "An act providing for the revision and printing of the index to the Federal Statutes," approved March 3, 1927;

H. R. 11285. An act to establish Federal prison camps;

H. R. 12203. An act to authorize the designation and bonding of persons to act for disbursing officers and others charged with the disbursement of public money of the United States;

H. R. 12250. An act to amend section 574, title 28, United States Code;

H. R. 13621. An act to authorize preparation and publication of supplements to the Code of Laws of the United States with perfecting amendments, printing of bills to codify the laws relating to the District of Columbia and of such code and supplements thereto, and for distribution; and

H. R. 13645. An act to establish two United States narcotic farms for the confinement and treatment of persons addicted to the use of habit-forming narcotic drugs who have been convicted of offenses against the United States, and for other purposes; to the Committee on the Judiciary.

H. J. Res. 243. Joint resolution to provide for the striking of a medal commemorative of the achievements of Thomas A. Edison in illuminating the path of progress through the development and application of inventions that have revolutionized civilization in the last century; to the Committee on Banking and Currency.

H. J. Res. 268. Joint resolution requesting the President to negotiate with the nations with which there is no such agreement treaties for the protection of American citizens of foreign birth or parentage from liability to military service in such nations; to the Committee on Foreign Relations.

GRANT OF LAND TO ST. PAUL, MINN.

Mr. BINGHAM rose.

Mr. HAYDEN. I yield to the Senator from Connecticut.

Mr. BINGHAM. Out of order, from the Committee on Military Affairs I report favorably, with an amendment, the bill (S. 4148) authorizing and directing the Secretary of War to grant certain land to the city of St. Paul, State of Minnesota, and I submit a report (No. 1263) thereon. The amendment has been suggested by the War Department.

Mr. SHIPSTEAD. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Arizona yield to the Senator from Minnesota?

Mr. HAYDEN. I yield.

Mr. SHIPSTEAD. I ask unanimous consent for the immediate consideration of the bill just reported by the Senator from Connecticut [Mr. BINGHAM].

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment was, in section 1, on page 2, line 8, after the numerals "\$34,750" and before the period, to insert the following provisos: "Provided, Said sum is paid to the United States within one year from the date of the approval of this act, or sooner if funds are made available: *Provided further*, That the conveyance of said tract of land to the said city of St. Paul shall be upon the condition and limitation that said property shall be limited to the retention and use for public purposes, and upon cessation of such retention and use shall revert to the United States without notice, demand, or action brought," so as to make the bill read:

Be it enacted, etc., That the Secretary of War is authorized and directed to grant to the city of St. Paul, Minn., the lot of land described as follows: Lot No. 3 in block No. 31, St. Paul proper, according to the recorded plat thereof on file in the office of the register of deeds in said county of Ramsey and all that part of lot 4, in said block 31 aforesaid, according to the recorded plat thereof, described as follows: Commencing at the southwest corner of lot No. 4, block No. 31, St. Paul proper, thence running northerly along the west line of said lot aforesaid 107.31 feet to an alley, thence at right angles easterly along the southerly line of said alley to the easterly line of said lot 4, thence southerly along said east line of lot 4 to the southeast corner of said

lot 4, thence easterly along the northerly line of Second Street to the place of beginning; for the sum of \$34,750: *Provided*, Said sum is paid to the United States within one year from the date of the approval of this act, or sooner if funds are made available: *Provided further*, That the conveyance of said tract of land to the said city of St. Paul shall be upon the condition and limitation that said property shall be limited to the retention and use for public purposes, and upon cessation of such retention and use shall revert to the United States without notice, demand, or action brought.

SEC. 2. The net proceeds derived from the grant of such land shall be covered into the Treasury to the credit of the military post construction fund.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

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

COLUMBIA ARSENAL PROPERTY IN TENNESSEE

Mr. TYSON and Mr. BINGHAM addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Arizona yield further; and if so, to whom?

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

Mr. TYSON. I ask unanimous consent for the immediate consideration of Order of Business 1285, being the bill (H. R. 12479) authorizing the sale of all of the interest and rights of the United States of America in the Columbia Arsenal property, situated in the ninth civil district of Maury County, Tenn., and providing that the net fund be deposited in the military post construction fund.

Mr. CURTIS. Is that a departmental bill or a bill which is favored by the department?

Mr. TYSON. It is a bill which has been referred to the Committee on Military Affairs and has been approved both by the Secretary of War and the Military Affairs Committee.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to sell upon such terms and conditions as he considers advisable and to make proper deed of conveyance to the Columbia Military Academy, a corporation organized under the laws of the State of Tennessee, all of the title, interest, limitations, conditions, restrictions, reservations, and rights owned and held by the United States of America as defined in Public Act No. 152 of the second session of the Fifty-eighth Congress and in the deed of the United States of America to the lands conveyed therein to the Columbia Military Academy of record in book 105, volume 4, page 495, in the register's office of Maury County, Tenn. Said limitations, conditions, restrictions, reservations, and rights are defined in said public act and deed as follows:

That the Secretary of War shall be a visitor to said school, and have and exercise full rights of visitation, and he shall have the right and authority in his discretion, as the public interest requires, to prescribe the military curriculum of said school, and to enforce compliance therewith, and upon refusal or failure of the authorities of said school to comply with the rules and regulations so prescribed by the Secretary of War, or the terms of the act, he is authorized to declare that the estate of the grantee has terminated and the property shall revert to the United States, and the Secretary of War is authorized thereupon to take possession of said property in behalf of the United States, and shall further reserve to the United States the right to use such lands for military purposes at any time upon demand of the President of the United States.

Said lands to which said limitations, conditions, restrictions, reservations, and rights attach are described as situated in the ninth civil district of Maury County, Tenn., and were formerly used as an arsenal and known as the Columbia Arsenal property, the same comprising about 67 acres more or less, and generally bounded by the Hampshire Pike, the Louisville & Nashville Railroad, the Mount Pleasant Pike, and a public road connecting the two pikes above named.

All of said limitations, conditions, restrictions, reservations, and rights of the United States of America, whether legal or equitable, vested or contingent, in and to said lands as specified and defined in said public law and deed and belonging to the United States of America will pass to the purchaser under the sale herein authorized.

SEC. 2. The Secretary of War shall have said tract of land appraised, the appraisal being of the land alone, and without regard to the buildings thereon. And the Secretary of War shall not sell the rights and interests of the Government herein above defined in said Columbia Arsenal property for a less consideration than the appraised value herein provided for.

SEC. 3. That the proceeds of said sale shall be deposited in the Treasury to the fund known as the military post construction fund, after

first paying the expenses of and incident to the sale including appraisal fees, but no appraiser shall be paid in excess of \$100 for such services as he may render under the terms of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DEFICIENCY APPROPRIATIONS

Mr. WARREN. Mr. President—

Mr. HAYDEN. I yield to the Senator from Wyoming.

Mr. WARREN. From the Committee on Appropriations, I report back with amendments the bill (H. R. 13873) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1928, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1928, and June 30, 1929, and for other purposes, and I submit a report (No. 1266) thereon.

I wish to state that I hope to call the bill up for consideration to-morrow and have it put on its passage.

The PRESIDENT pro tempore. Meanwhile the bill will be placed on the calendar.

PER CAPITA PAYMENT TO PINE RIDGE SIOUX INDIANS, SOUTH DAKOTA

Mr. McMASTER. Mr. President—

Mr. HAYDEN. I yield to the Senator from South Dakota.

Mr. McMASTER. Mr. President, on May 12 House bill 13342, to authorize a per capita payment to the Pine Ridge Sioux Indians of South Dakota, passed the House of Representatives. It came to the Senate and was referred to the Committee on Indian Affairs. A Senate bill in identically the same words passed the Senate on May 16. I therefore move that the Committee on Indian Affairs be discharged from the further consideration of House bill 13342, with a view to asking that it be considered at this time and put on its passage.

Mr. CURTIS. Are the two bills identical?

Mr. McMASTER. The House and Senate bills are identical.

Mr. CURTIS. And the House bill merely provides for a per capita payment?

Mr. McMASTER. The bill provides for a per capita payment of \$10 from funds to the credit of the Indians in the Treasury of the United States.

The PRESIDENT pro tempore. The question is on the motion of the Senator from South Dakota that the Committee on Indian Affairs be discharged from the further consideration of House bill 13342.

The motion was agreed to.

Mr. McMASTER. I ask unanimous consent for the immediate consideration of the House bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 13342) to authorize a per capita payment to the Pine Ridge Sioux Indians of South Dakota, which was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to withdraw from funds on deposit in the Treasury of the United States to the credit of the Pine Ridge Sioux Indians of South Dakota a sum sufficient to make a \$10 per capita payment to said Indians, under such rules and regulations as he may prescribe.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FORT GRISWOLD, CONN.

Mr. HAYDEN. I yield to the Senator from Connecticut.

Mr. BINGHAM. From the Committee on Military Affairs, I report back favorably without amendment the bill (S. 4503) authorizing the Secretary of War to convey the Fort Griswold tract to the State of Connecticut, and I submit a report (No. 1262) thereon. The bill has been unanimously reported by the committee, and I ask unanimous consent for its immediate consideration.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of War is authorized and directed to convey by quitclaim deed to the State of Connecticut the tract of land owned by the United States, known as the Fort Griswold tract, situated on the east shore of New London Harbor in the State of Connecticut, and bounded northerly by the Fort Griswold monument reservation and by the land of various private parties, easterly and southerly by the land of various private parties, and westerly by New London Harbor and by the land of various private parties.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FEDERAL RESERVE BANK BUILDING, LOS ANGELES, CALIF.

Mr. SHORTTRIDGE. Mr. President—

Mr. HAYDEN. I yield to the Senator from California.

Mr. SHORTTRIDGE. I ask unanimous consent for the immediate consideration of the joint resolution (S. J. Res. 142) authorizing the erection of a Federal reserve bank building in the city of Los Angeles, Calif.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, and it was read, as follows:

Resolved, etc., That the Federal Reserve Bank of San Francisco be, and it is hereby, authorized to contract for and erect a building in the city of Los Angeles for its Los Angeles branch on the site now owned, provided the total amount expended in the erection of said building, exclusive of the cost of vaults, permanent equipment, furnishings, and fixtures shall not exceed the sum of \$800,000: *Provided, however,* That the character and type of building to be erected, the amount actually to be expended in the construction of said building, and the amount actually to be expended for the vaults, permanent equipment, furnishings, and fixtures for said building shall be subject to the approval of the Federal Reserve Board.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL RECOMMENDED

Mr. HOWELL. I ask unanimous consent that the bill (H. R. 9194) authorizing the Secretary of the Interior to acquire land and erect a monument on the site of the battle between the Sioux and Pawnee Indian Tribes in Hitchcock County, Nebr., fought in the year 1873, be recommitted to the Committee on the Library.

The PRESIDING OFFICER (Mr. SHORTTRIDGE in the chair). Without objection, the bill will be recommitted to the Committee on the Library, as requested.

A. F. GALLAGHER

Mr. LA FOLLETTE. I ask unanimous consent for the immediate consideration of the bill (H. R. 10014) for the relief of A. F. Gallagher. This is a small private claim bill which unanimously passed the House. It is unanimously reported by the Senate committee and is recommended by the Secretary of the Treasury. The amount involved is only \$190.40, which was to be paid a stenographer engaged by a bureau in the Treasury Department, but subsequently it was discovered that, through an opinion of the Comptroller General, there was no fund available for payment for this work. The Secretary of the Treasury feels that injustice was done to Mr. Gallagher and recommends the passage of the bill.

There being no objection, the bill was considered as in Committee of the Whole and it was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay to A. F. Gallagher, out of any money in the Treasury not otherwise appropriated, the sum of \$190.40, in full satisfaction of all claims against the United States on account of stenographic services rendered in reporting certain hearings held in the Bureau of Internal Revenue on November 23, 1925, and January 15, 1926.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CONSTRUCTION AT MILITARY POSTS

Mr. REED of Pennsylvania. Will the Senator from Arizona yield to me for a moment?

Mr. HAYDEN. I yield to the Senator from Pennsylvania.

Mr. REED of Pennsylvania. I present a conference report on the Army housing bill, and I ask unanimous consent for its immediate consideration.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the report will be received and read for the information of the Senate.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11134) to authorize appropriations for construction at military posts, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: Strike out the figures "\$12,989,284" and insert in lieu thereof "\$13,268,284"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment, insert the following:

"That there is hereby authorized to be appropriated not to exceed \$6,499,500, to be expended for the construction and installation at military posts of such technical buildings and utilities and appurtenances thereto as may be necessary, as follows:

"Albrook Field, Canal Zone: Hangars, \$200,000; Air Corps shops and warehouse, \$126,000; headquarters and operations building, \$40,000; radio, parachute, and armament building, \$25,000; gasoline and oil storage, \$75,000; paint, oil, and dope warehouse, \$5,000; improvement of landing field, \$600,000.

"France Field, Canal Zone: Hangars, \$80,000; operations building, \$30,000; photo, radio, parachute, and armament buildings, \$61,000; air depot shops, \$160,000; air depot warehouse, \$200,000; improvement of landing field, \$103,000.

"Hawaiian Department, Wheeler Field: Hangars, \$240,000; Air Corps field warehouse, \$45,000; Air Corps field shops, \$81,000; headquarters and operations building, \$40,000; photo, radio, parachute, and armament buildings, \$61,000; gasoline and oil storage, \$15,000; paint, oil, and dope warehouse, \$5,000; improvement landing field, \$110,000.

"Bolling Field, District of Columbia: Hangars, \$160,000; gasoline and oil storage, \$12,000; paint, oil, and dope warehouse, \$5,000; improvement landing field, \$100,000.

"Chanute Field, Ill.: Hangars, \$120,000; Air Corps shops and warehouse, \$126,000; headquarters and operations building, \$40,000; photo, radio, parachute, and armament buildings, \$61,000; school building, \$80,000; gasoline and oil storage, \$10,000; paint, oil, and dope warehouse, \$5,000.

"Crissy Field, Calif.: Hangar, \$40,000; photo building, \$36,000; gasoline and oil storage, \$5,000; paint, oil, and dope warehouse, \$5,000.

"Duncan Field, Tex.: Hangars, \$80,000; air depot shops, \$243,000.

"Fairfield air depot, Ohio: Air depot shops, \$243,000.

"Fort Sam Houston, Tex.: Hangar, \$40,000; Air Corps field shops and warehouse, \$60,000; headquarters building, \$20,000; photo, radio, parachute, and armament buildings, \$61,000; gasoline and oil storage, \$5,000; improvement landing field, \$20,000.

"Marshall Field, Kans.: Hangar, \$40,000; Air Corps field shops and warehouse, \$60,000; headquarters building, \$20,000; photo, radio, parachute, and armament buildings, \$61,000; gasoline and oil storage, \$5,000; paint, oil, and dope warehouse, \$5,000; improvement of landing field, \$15,000.

"Maxwell Field, Ala.: Gasoline and oil storage, \$5,000; paint, oil, and dope warehouse, \$5,000; improvement of landing field, \$13,000.

"Mitchel Field, N. Y.: Hangars, \$80,000; photo building, \$36,000; gasoline and oil storage, \$10,000; paint, oil, and dope warehouse, \$5,000.

"Post Field, Okla.: Hangar, \$40,000; Air Corps field shops and warehouse, \$60,000; headquarters building, \$20,000; radio, parachute, and armament buildings, \$25,000; gasoline and oil storage, \$5,000; paint, oil, and dope warehouse, \$5,000.

"Rockwell Field, Calif.: Hangars, \$160,000; Air Corps warehouse, \$45,000; headquarters and operations building, \$40,000; radio, parachute, and armament buildings, \$25,000; gasoline and oil storage, \$10,000; paint, oil, and dope warehouse, \$5,000.

"Rockwell air depot, Rockwell Field, Calif.: Air depot shops, \$243,000; air depot warehouses, \$500,000.

"San Antonio Primary Training School, San Antonio, Tex.: Hangars, \$440,000; Air Corps shops and warehouse, \$126,000; headquarters and operations building, \$40,000; wing headquarters building, \$60,000; photo, radio, parachute, and armament buildings, \$61,000; school building, \$40,000; gasoline and oil storage, \$9,500; paint, oil, and dope warehouse, \$5,000; improvement of landing field, \$150,000.

"Selfridge Field, Mich.: Air Corps warehouse, \$45,000; photo building, \$36,000; gasoline and oil storage, \$10,000; paint, oil, and dope warehouse, \$5,000; improvement of landing field, \$50,000."

And the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"That the Secretary of War is hereby authorized to cause condemnation proceedings to be instituted for the purpose of acquiring certain tracts of land in the vicinity of Fort Kame-

hameha Reservation, Territory of Hawaii, hereinafter described, for use as a flying field, and that a sum not exceeding \$1,145,000 is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the acquisition of the fee simple title to said land either by purchase or condemnation, to wit: That portion of the Queen Emma and Damon estates lying directly north of and adjoining Fort Kamehameha Reservation, east of the Fort Kamehameha-Puuloa Junction Road, south of the plantation road just north of Loco-Lelepaua and extending to the Rodgers Airport and Keehii Lagoon on the east consisting approximately of 1,434 acres, at a cost not exceeding \$420,000, and also a portion of the Halawa district consisting of about 862 acres and immediately adjoining the Queen Emma and Damon estates at a cost not exceeding \$725,000."

And the Senate agree to the same.

DAVID A. REED,
FRANK L. GREENE,
DUNCAN U. FLETCHER,

Managers on the part of the Senate.

JOHN M. MORIN,
W. FRANK JAMES,
JOHN J. MCSWAIN,

Managers on the part of the House.

The PRESIDENT pro tempore. Is there objection to the present consideration of the report? The Chair hears none, and the question is on agreeing to the conference report.

The report was agreed to.

ACCEPTANCE OF DECORATIONS OF FOREIGN GOVERNMENTS

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5898) to authorize certain officers of the United States Navy and Marine Corps to accept such decorations, orders, and medals as have been tendered them by foreign governments in appreciation of services rendered having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11, and from its disagreement to the amendment to the title of the bill, and agree to the same.

FREDERICK HALE,
DAVID A. REED,
CLAUDE A. SWANSON,

Managers on the part of the Senate.

FRED A. BRITTEN,
CLARK BURDICK,
CARL VINSON,

Managers on the part of the House.

The report was agreed to.

CONSIDERATION OF BILLS FOR BRIDGES IN ARKANSAS

Mr. SHEPPARD. For the Senator from Vermont [Mr. DALE] I report several bridge bills from the Committee on Commerce, and I direct the attention of the Senator from Arkansas [Mr. CARAWAY] to these bills.

Mr. CURTIS. The bills are in the usual form?

Mr. SHEPPARD. They are.

First, I report back without amendment the bill (H. R. 12677) to amend section 2 of an act approved March 12, 1928, granting consent of Congress for the construction of a bridge across the Ouachita River at or near Calion, Ark.

Mr. CARAWAY. I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. SHEPPARD. I also report from the Committee on Commerce without amendment for the Senator from Vermont [Mr. DALE] the bill (H. R. 12676) to amend section 2 of an act approved February 14, 1926, granting consent of Congress for the construction of a bridge across Red River at or near Fulton, Ark.

Mr. CARAWAY. I ask for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. SHEPPARD. Also, for the Senator from Vermont [Mr. DALE], I report from the Committee on Commerce with

amendments, the bill (S. 4465) granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across White River at or near Clarendon, Ark., and I submit a report (No. 1268) thereon.

Mr. CARAWAY. I ask unanimous consent for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The amendments were, on page 1, line 7, after the name "Arkansas," to strike out "within 5 miles of the ferry on the highway between Clarendon and Stuttgart, in the county of Monroe, in the State of Arkansas"; and on page 3, after line 4, to insert the following additional section:

SEC. 4. That the right to alter, amend, or repeal this act is hereby expressly reserved.

So as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge and approaches thereto across the White River at a point suitable to the interests of navigation, at or near Clarendon, Ark., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient (1) to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches; (2) the interest on borrowed money necessarily required, and financing charges necessarily incurred in connection with the construction of the bridge and its approaches; and (3) to provide a sinking fund sufficient to retire the bonds issued and sold in connection with such original construction. All revenue received from the bridge shall be applied to the foregoing purposes, and no bonds issued in connection with the construction of the bridge and its approaches shall be made to mature later than 25 years after the date of issue thereof.

SEC. 3. After a fund sufficient to retire such bonds in accordance with their provisions shall have been so provided, the bridge shall thereafter be maintained and operated as a free highway bridge, upon which no tolls shall be charged. An accurate and itemized record of the original cost of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, the interest charges paid, and the tolls charged and the daily revenues received from the bridge shall be kept by the State Highway Commission of Arkansas, and shall be available at all reasonable times for the information of all persons interested.

SEC. 4. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

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

The title was amended so as to read: "A bill granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across White River at or near Clarendon, Ark."

ROADS ON INDIAN RESERVATIONS

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 1145) entitled "An act to authorize an appropriation for roads on Indian reservations," which was, on page 1, to strike out lines 3 to 5, inclusive, and insert:

That appropriations are hereby authorized out of any money in the Treasury not otherwise appropriated for material, equipment, supervision and engineering, and the employment of Indian labor in the survey, improvement.

Mr. CURTIS. What reservation does the bill refer to?

Mr. ASHURST. Mr. President, this is a general bill which I introduced some time ago, appropriating \$250,000 to be used for constructing roads on all Indian reservations—no particular reservation. We gave the Secretary of the Interior a sum of money which he could use on any reservation. The House has made a very material amendment.

Mr. CURTIS. This is a House amendment to the Senate bill?

Mr. ASHURST. Yes, sir.

If it is understood by all I move that the House concur in the Senate amendment.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Arizona.

The motion was agreed to.

GEORGE ROGERS CLARK MEMORIAL

Mr. FESS. Mr. President, I present the conference report on the George Rogers Clark memorial, and ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. The conference report will be received and printed in the RECORD. It can not be acted upon until it has been printed in the RECORD in one House or the other.

Mr. FESS. It has been acted upon in the House.

The PRESIDENT pro tempore. Is there objection?

Mr. CURTIS. What is the request, Mr. President?

The PRESIDENT pro tempore. The Chair understood the request to be for the presentation and present consideration of a conference report on the George Rogers Clark memorial. The Chair is assured by the Senator from Ohio that it has been printed in the RECORD and acted upon by the House.

Mr. FESS. The House acted upon it to-day.

Mr. CURTIS. Have we no message from the House on the subject?

Mr. LA FOLLETTE. Mr. President, as I understood the Senator from Ohio, it was acted on in the House to-day.

The PRESIDENT pro tempore. The report will be read.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the resolution (S. J. Res. 23) entitled "Joint resolution for the participation of the United States in the celebration in 1929 and 1930 of the one hundred and fiftieth anniversary of the conquest of the Northwest Territory by Gen. George Rogers Clark and his army, and authorizing an appropriation for the construction of a permanent memorial of the Revolutionary War in the West, and of the accession of the old Northwest to the United States on the site of Fort Sackville, which was captured by George Rogers Clark and his men February 25, 1779," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: Strike out section 1 of the House amendment and insert in lieu thereof the following:

"That there is hereby established a commission to be known as the George Rogers Clark Sesquicentennial Commission (hereinafter referred to as the commission) and to be composed of 15 commissioners, as follows: Three persons to be appointed by the President of the United States; 3 Senators by the President of the Senate; 3 Members of the House of Representatives by the Speaker of the House of Representatives; and 6 members of the George Rogers Clark Memorial Commission of Indiana to be selected by such commission."

And the House agree to the same.

SIMEON D. FESS,
R. B. HOWELL,
KENNETH MCKELLAR,
Managers on the part of the Senate.
ROBERT LUCE,
RALPH GILBERT,
JOHN C. ALLEN,
F. M. DAVENPORT,
Managers on the part of the House.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

Mr. SACKETT. Mr. President, what is the amount carried by the bill?

Mr. FESS. The Senate bill carried \$1,750,000. The House struck out \$750,000, leaving it \$1,000,000.

Mr. SACKETT. It carries \$1,000,000 now?

Mr. FESS. It does.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

PENSIONS AND INCREASE OF PENSIONS

Mr. NORBECK. I have here a conference report on a pension bill, H. R. 12381, which I should like to hand in and ask for its immediate consideration. It is a unanimous report.

The PRESIDENT pro tempore. Is there objection? The Chair hears none. The report will be received and read for the information of the Senate.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12381) granting pensions and increase of pensions to certain

soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 8, 9, and 12.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 4, 5, 6, 7, 10, 11, 13, 14, 17, 18, 19, 20, and 21, and agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the figures proposed to be inserted by said amendment insert "\$20"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, agree to the same with an amendment as follows: In lieu of the figures proposed to be inserted by said amendment insert "\$100"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with amendments as follows:

"Page 2 of the Senate engrossed amendments, in the case of David J. Menard, strike out the figure '30' and insert in lieu thereof the figure '20'."

"Page 2, in the case of Lawrence Waterhouse, strike out the following language: 'said increase to date from February 17, 1927.'"

"Page 3, in the case of John Rose, strike out the figure '25' and insert in lieu thereof the figure '17.'"

"Page 4, in the case of Tillie M. Foley, strike out the figure '30' and insert in lieu thereof the figure '20.'"

"Page 5, in the case of Henry Buck, strike out the following language: 'the name of Henry Buck, civilian employee, Quartermaster Department, Nez Perce Indian War, and pay him a pension at the rate of \$12 per month.'"

"Page 6, in the case of George W. Cleveland, strike out the figure '30' and insert in lieu thereof the figure '20.'"

"Page 6, in the case of Leon P. Chesley, strike out the following language: 'the name of Leon P. Chesley, late of the One hundred and twenty-first Company, United States Coast Artillery, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.'"

And the Senate agree to the same.

PETER NORBECK,
HENRIK SHIPSTEAD,
DANIEL F. STECK,

Managers on the part of the Senate.

HAROLD KNUTSON,
J. M. ROBSON,
Jno. W. MOORE.

Managers on the part of the House.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

Mr. NORBECK. I ask that there be printed in the Record a statement which goes into detail as to just what the report covers.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

STATEMENT

The managers on part of the Senate and House on H. R. 12381 show by way of explanation that 159 bills were included in said omnibus bill.

The committee of conference carefully examined the merits of each individual case over which any difference of opinion existed and mutually agreed to restore all bills of meritorious character.

The House bill contained 132 beneficiaries and the conferees struck out some items entirely and in others merely changed the rates.

The items which were entirely stricken out are as follows:

The name of John F. Kilbride.
The name of George F. Wiggins.
The name of Mary A. Clarke.
The name of John H. Doremus.
The name of Annie McNamara.
The name of James C. Hicks.
The name of Herman Green.
The name of James Shaw.
The name of Clark Brown.
The name of Thomas A. McEntire.

In some items the rates were changed and in which case a change of rate was made that are listed as follows:

In the case of Carl Johan Anderson the rate was reduced from \$20 to \$12 per month.

In the case of William H. Clarke the rate was reduced from \$30 to \$20 per month.

In the case of John Garvey the rate was reduced from \$40 to \$20 per month.

In the case of Harry F. Palmer the rate was increased from \$12 to \$20 per month.

In the case of William D. Warren the rate was reduced from \$30 to \$20 per month.

The Senate report contained 27 items and several items were stricken from the report, while in other items the rates were changed.

The items stricken from the report were as follows:

The name of Henry Buck.

The name of Leon P. Chesley.

The other items which were changed were as follows:

In the case of David J. Menard the rate was reduced from \$30 to \$20 per month.

In the case of Lawrence Waterhouse the item called for \$40 per month to date from February 17, 1927. This item remained at \$40 per month. However, the language "said increase to date from February 17, 1927," was stricken out.

In the case of John Rose the rate was reduced from \$25 to \$17 per month.

In the case of Tillie M. Foley the rate was reduced from \$30 to \$20 per month.

In the case of George W. Cleveland the rate was reduced from \$30 to \$20 per month.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hattigan, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Vice President:

S. 1284. An act amending the act approved April 30, 1926, entitled "An act amending the act entitled 'An act providing for a comprehensive development of the park and playground system of the National Capital,' approved June 6, 1924";

S. 1369. An act to authorize and direct the survey, construction, and maintenance of a memorial highway to connect Mount Vernon, in the State of Virginia, with the Arlington Memorial Bridge across the Potomac River at Washington;

S. 2327. An act to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes;

S. 2370. An act to amend section 24 of the immigration act of 1917;

S. 2542. An act for the construction of a private conduit across Lincoln Road NE., in the District of Columbia;

S. 2823. An act amending the Statutes of the United States with respect to reissue of defective patents;

S. 3693. An act authorizing the city of Council Bluffs, Iowa, and the city of Omaha, Nebr., or either of them, to construct, maintain, and operate a free highway bridge across the Missouri River between Council Bluffs, Iowa, and Omaha, Nebr.;

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

H. R. 971. An act for the relief of James K. P. Welch; and

S. J. Res. 97. Joint resolution authorizing the President to appoint three delegates to the Twenty-third International Congress of Americanists and making an appropriation for the expenses of such congress.

BOULDER DAM

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 728) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes.

Mr. HAYDEN. Mr. President, the senior Senator from California [Mr. JOHNSON] has repeatedly asserted that a filibuster is being conducted in the Senate against his Boulder Dam bill, although no one up to this time has been able to discover that his assertion is correct. I had anticipated the privilege of addressing the Senate beginning at noon to-day and continuing throughout the afternoon with a serious discussion of this bill. It is now a quarter past 2 o'clock, and if a filibuster does exist I greatly appreciate the use of more than

two hours' time by the Senator from California, although I hope that no one will be unkind enough to suggest that he would filibuster against his own bill.

When I addressed the Senate on the 2d day of this month I pointed out that the State of Arizona has three fundamental objections to the Swing-Johnson Boulder Canyon Dam bill.

First. The attempt to coerce a sovereign State;

Second. The contemplated unjust division of the waters of the Colorado River in the lower basin; and

Third. The failure to adequately compensate the States of Arizona and Nevada for the proposed use of their natural resources by the Federal Government, primarily for the benefit of the State of California.

I then discussed and offered some amendments to the bill which are of real importance though not relating to these larger questions. I ventured to express the hope that the Senators from California would accept these amendments which are intended to perfect the bill. One was to remedy a grave injustice to the water users of the United States reclamation project at Yuma.

For the further information of the Senators from California, neither one of whom, I am sure, would willingly do an injustice to the landowners of the Yuma project, a part of which is in their own State, I ask to have printed in the CONGRESSIONAL RECORD at this point an extract from the report of the All-American Canal Board, and a copy of a letter from Mr. John L. Gust, an attorney of Phoenix, Ariz., addressed to the Secretary of the Yuma County Water Users' Association. These documents speak for themselves.

The PRESIDENT pro tempore. Without objection, the extract and the letter referred to will be printed in the RECORD.

The matter referred to is as follows:

[Report of the All-American Canal Board, Dr. Elwood Mead, W. W. Schlecht, C. E. Grunsky, June 17, 1919, page 56]

THE CONTROL AND OPERATION OF WORKS IN WHICH THE YUMA PROJECT AND IMPERIAL VALLEY ARE JOINTLY INTERESTED

The diversion of water from Colorado River at the Laguna Dam will be for the joint benefit of irrigable areas on both sides of Colorado River. It does not appear desirable that the entire canal system on both sides of the river should be under one management nor does any such arrangement appear possible. Separate organizations for the management of the Yuma project and for the management of the Imperial irrigation district will probably always be maintained. Other interests, too, will undoubtedly at some later time be supplied with water through headworks at the Laguna Dam and through a common main canal. Conflict of authority in the operation of all works for mutual benefit must be avoided. The maintenance and operation of the dam and diverting works and of the canal down to the siphon drop and of the power stations which are to be operated for the benefit of several interests should be permanently under the control of the United States.

The Secretary of the Interior, who directs the work of the United States Reclamation Service, should retain authority, or, if necessary, be given any additional authority, by agreement or otherwise, to operate and maintain the water diversion, to divide the waters between the Yuma project and the Imperial Valley interests, and to manage and control the power development and power sales from any plant in which both have an interest.

It would then fall to the Secretary of the Interior to apply the principles this board is recommending, relating to such questions as the distribution of construction costs to power and to irrigation, the apportionment of the canal and power construction costs to the Yuma project and Imperial Valley, the determination of interest and depreciation charges, the apportionment of irrigation operating expenses, and the division of profits from power sales and the like.

KIBBEY, BENNETT, GUST, SMITH & LYMAN,
Phoenix, Ariz., November 3, 1927.

MR. J. C. POWER,
Secretary Yuma County Water Users' Association,
Yuma, Ariz.

DEAR SIR: Mr. Barry Dibble, an engineer for your association, has left with us the contract of October 23, 1918, between the United States and the Imperial irrigation district, referring to Laguna Dam and the main canal of the Yuma project, together with certain other data, and has advised us that you desire our opinion upon the following questions:

1. Has Yuma project such equity in power rights at Laguna Dam that the Secretary of the Interior can not contract these rights away?
2. Does the contract of October 23, 1918, give the Imperial irrigation district an equity in Laguna Dam of such character as to include an equity in power rights there?
3. If the Secretary of the Interior leases the power at Laguna Dam to Yuma County Water Users' Association, what, if any, interests will Imperial irrigation district have in revenue from lease?
4. If the Secretary of the Interior holds that the Imperial irrigation district has an equity in Laguna Dam and is entitled to rights in the

power site, has the Yuma County Water Users' Association any recourse in the courts?

The answer to these questions involve a consideration of the relation of the Yuma project to the United States and the effect of the contract of October 23, 1918, between the United States and the Imperial irrigation district.

The Yuma project was undertaken by the Secretary of the Interior under the provisions of the reclamation act. On the 31st day of May, 1906, the Secretary of the Interior and the Yuma County Water Users' Association entered into a contract under authority of the reclamation act, in section 2 of which it is provided:

"That only those who are or may become members of said association under the provisions of its articles of incorporation shall be accepted as entrymen or applicants for rights to the use of water impounded, developed, or the supply of which is or may be regulated or controlled by said proposed irrigation works.

"The cost per acre shall be equal throughout the entire district now proposed to be irrigated thereby, which said district is hereby defined as comprising the lands described and bounded in section 3 of Article IV of the articles of incorporation of said association, and bounded in Article LV of amendments of said articles of incorporation of said association."

On April 6, 1917, the public notices of the lands to be irrigated was issued. This notice constitutes a determination of the lands that shall be included in the project. (See Yuma County Water Users' Association v. Schlecht, 262 U. S. 910.) Certain acts of Congress provide that such public notices may be withdrawn and new public notices issued, but we are not advised that this has been done on the Yuma project, or that such new notices, if any have been issued, have any relation to the contract between the Secretary of the Interior and the Imperial irrigation district above mentioned. We think that in view of the above facts the contract of October 23, 1918, can not be held to make the Imperial irrigation district a part of the Yuma project within the meaning of the acts of Congress providing that receipts from power shall be credited to the project.

The contract between the Secretary of the Interior and the Imperial irrigation district, dated October 23, 1918, undoubtedly was entered into in pursuance of section 2 of the act of February 21, 1911, which reads in part as follows:

"That in carrying out the provisions of said irrigation act and all acts amendatory thereof, or supplemental thereto, the Secretary of the Interior is authorized upon such terms as may be agreed upon, to cooperate with irrigation districts, water users' associations, corporations, entrymen, or water users for impounding, delivering, and carrying reservoirs, canals, or ditches as may be advantageously used by the Government and irrigation districts, water users' associations, corporations, entrymen, or water users for impounding, delivering, and carrying water for irrigation purposes: *Provided*, That the title to and management of the works so constructed shall be subject to the provisions of section 6 of said act."

Section 3 of said act provides that the money received in pursuance of such contracts shall be covered into the reclamation fund and be available for use under the terms of the reclamation act. But by special act of June 28, 1926, the Secretary of the Interior is directed to credit the individual water right applicants in the Yuma irrigation project, and the purchasers of water rights in the Yuma Mesa auxiliary reclamation project on the construction charges due with their proportionate part of all payments heretofore made or hereafter to be made by the Imperial irrigation district under the contract of October 23, 1918.

We think it is plain that under the section of the statute we have above quoted, the purpose of the contract of October 18, 1918, was to give the Imperial irrigation district a contract right in the Laguna Dam, and the main canal rather than to make the Imperial irrigation district a part of the Yuma project. It is to be noted that the Attorney General in an opinion as to the application of the money to be paid by the Imperial irrigation district under said contract refers to the right given the Imperial irrigation district by said contract as a privilege of connecting with and using Laguna Dam and the main canal of the Yuma irrigation project for the irrigation of lands in the Imperial Valley. (32 Op. Atty. Gen. 41.)

The contract of October 23, 1918, itself provides with considerable detail as to power rights in power developed in the main canal. It is silent as to rights in power developed at the dam with water flowing through the main canal. Section 9 of the contract contains the following provisions:

"For the right to use the Laguna Dam, the main canal and appurtenant structures, and divert water, as herein provided, the district agrees to pay to the United States the sum of \$1,600,000 in 20 installments."

We think the right to use the dam referred to in this provision plainly means the right to use the dam for the purpose of diverting water as provided in the contract and does not include the right to use the dam for general purposes. It is provided by section 5 of the act of April 16, 1926:

"That whenever a development of power is necessary for the irrigation of lands under any project undertaken under said reclamation act, or an opportunity is afforded for the development of power under any such project, the Secretary of the Interior is authorized to lease for a period not exceeding 10 years, giving preference to municipal purposes, any surplus power or power privileges, and the moneys derived from such leases shall be covered into the reclamation fund and be placed to the credit of the projects from which such power is derived."

It is provided by subsection 1 of the fact finders act (act of December 5, 1924):

"That whenever the water users take over the care, operation, and maintenance of a project, or a division of a project, the total accumulated net profits, as determined by the Secretary, derived from the operation of the project power plants, leasing of project grazing and farm lands, and the sale or use of town sites shall be credited to the construction charge of the project, or a division thereof, and thereafter the net profits from such sources may be used by the water users to be credited annually, first, on account of project construction charge; second, on account of project operation and maintenance charge; and, third, as the water users may direct."

In the light of the above statutory and contract provisions our answers to your questions are as follows:

1. Undoubtedly the terms of section 2 of the act of February 21, 1911, are broad enough to authorize the Secretary of the Interior, for a proper consideration, to contract away the rights of the Yuma project in power developed at the Laguna Dam. We see no reason why the Secretary could not have contracted those rights away just the same as he did an interest in a part of the rights in the main canal, but we are of the opinion that in the contract of October 23, 1918, he has not so contracted them away."

2. The contract of October 23, 1918, does not give the Imperial irrigation district an interest in the power rights at Laguna Dam, for the reason that under the laws of Congress the Yuma project is entitled to the receipts from the power produced at the dam. The Imperial district is not a part of that project, and the contract right that it has received in the works of that project for which it is making payments does not give it the right to any portion of said power receipts.

3. The Yuma project will be entitled to all of the revenues from the lease. The Imperial district will have no interest therein. Under section 522 of the codification act (act of June 30, 1926) such revenues will be covered into the reclamation fund and be placed to the credit of the Yuma project. This means that Yuma project will receive the benefit of the rentals only upon the final payments, but no reduction will be made on the annual installments of construction charges. If the Yuma Water Users' Association should take over the care, operation, and maintenance of the project, then under section 501 of the codification act all rentals accruing on the lease after the date of such taking over would be applied on the annual construction charge, such excess would be applied upon the annual maintenance charges.

4. The Secretary of the Interior is charged with the duty of operating the Yuma project in pursuance of the laws of Congress. He has no power to take away from the Yuma project any rights or privileges to which that project is entitled under the law. If he should execute a lease of any power privileges at the Laguna Dam, the Yuma project would have a right in the courts to see that the rentals from such lease were applied as the law provides.

However your association has no legal right to construct any power plant at Laguna Dam. The question of whether or not such power plant should be constructed rests with the Secretary of the Interior, who is charged with the duty of looking after the works of the project. If he determines in his discretion that no power plant shall be constructed, that discretion is obviously not subject to review in the courts.

The net result of our conclusion is that since the Secretary of the Interior is vested with the duty of operating the Yuma project it will be ill advised for the Yuma Water Users' Association to attempt anything in connection with the management and operation of said project with respect to power or otherwise that is not in accordance with his views. It should be possible to convince the Secretary of the Interior of the rights of the association. If, however, that proves impossible, we believe that the only course for the association to pursue is to submit until such time as the Secretary can be persuaded. If, however, the Secretary should attempt to take away from the Yuma project any of the revenues to which the Yuma project is entitled from the lease or power or power privileges, and confer these upon the Imperial project, the Yuma project would undoubtedly have a remedy in the courts to prevent this from being done. It is, of course, not at all likely that the Secretary will attempt to do anything of this kind.

Very truly yours,

KIBBEY, BENNETT, GUST, SMITH & LYMAN.
By J. L. GUST.

Mr. HAYDEN. Mr. President, another amendment was to aid new settlers who may seek homes under the all-American canal by limiting the area to be furnished with water in any one

ownership to 160 acres and requiring all excess lands to be sold at an appraised price, thus curtailing speculation. Still another was to provide that no lands having a present perfected right to water should be deprived of water in the enforcement of any treaty with Mexico, and that if any American lands are to be thus deprived of water that it shall be in the inverse order of their priorities to the use of water.

When the Senate adjourned on May 2, I was discussing the proposal now contained in the bill that the all-American canal be constructed in accordance with the reclamation law and expressed doubt as to whether the committee amendments actually accomplished that purpose. In order intelligently to present the facts it was necessary for me to comment on the financial features of the bill. I placed in the record the following statement by Dr. Hubert Work, the Secretary of the Interior, which shows that the loudly praised financial features of this bill were predicated on a Federal bond issue:

To finance the enterprise in this way (by funds obtained from the sale of Government bonds) would remove a serious objection from taxpayers in other parts of the country who can see little reason for advancing funds out of the National Treasury as a temporary expedient, to be replaced by them in the form of taxes, when it may be possible to make the project a self-sustaining one without disturbance in the fiscal operations of the Government.

I also read the following quotation from a letter written by Hon. Andrew W. Mellon, the Secretary of the Treasury, which completely demolished the impractical, if not fantastical, financial ideas of the Secretary of the Interior:

Proceeds from the sale of our bonds are not governmental revenues. The payment for the project by the sale of bonds has exactly the same effect on our governmental accounts as the payment of the same expenditure out of any governmental revenue, and the fact that it is a dam and might have earnings in the future does not differentiate it from an expenditure for a battleship, a public building, or to pay employees.

I pointed out that there has been omitted from the Boulder Dam bill as reintroduced in this Congress, the former provisions relating to the issue of Government bonds and conclusively demonstrated by reading from the testimony of Mr. Garrard B. Winston, the Undersecretary of the Treasury, that all that remains in the bill is a mere bookkeeping arrangement which does not differ from the ordinary and usual method of keeping accounts in the Treasury Department. In other words, the bond-issue bird has escaped, and all that the proponents of this bill now have in their hands are a few of its tail feathers.

The proposal to pay for public works with the proceeds of a special issue of Government bonds is not new, and Secretary Mellon's condemnation of it is not unique. His predecessor as Secretary of the Treasury, Hon. CARTER GLASS, now a Senator from Virginia, firmly rejected a similar scheme which was advanced in 1919. Let me read from a report which Mr. GLASS made on a bill providing for the issuance of \$250,000,000 of United States bonds to promote the reclamation of waste lands:

THE SECRETARY OF THE TREASURY,

Washington, January 26, 1920.

MY DEAR CONGRESSMAN: I have the honor to acknowledge receipt of your letter of January 23, 1920, inclosing a copy of H. R. 11961, introduced by Mr. Kinkaid, entitled "A bill to authorize advances to the reclamation fund, and for the issue and disposal of bonds in reimbursement therefor, and for other purposes." I notice that this bill is substantially the same in terms as H. R. 8375, also introduced by Mr. Kinkaid, as to which I wrote you under date of August 14, 1919, and I regret to have to advise the committee that the Treasury also emphatically disapproves of the financial and bonding features of H. R. 11961.

The fundamental objection to the bill from the point of view of the Treasury is that it imposes upon the Treasury of the United States the burden of financing the reclamation projects, but attempts to give the appearance of avoiding a direct appropriation by authorizing the Secretary of the Treasury to sell United States bonds to provide the funds required for the purposes of the bill. I urge your committee very strongly, if it should determine that the plan embodied in the bill is meritorious and recommend an appropriation, to handle the matter by making a direct appropriation of a specific amount for the purpose, leaving the Secretary of the Treasury, acting under the general authority already conferred on him by the Congress, free to finance the requirements of the plan from time to time as might be found to be expedient. To authorize a special issue of United States bonds to reimburse the Treasury for the advances to the reclamation fund provided for by the bill, with maturities and other terms fixed without regard to the judgment of the Secretary of the Treasury as to the financial requirements of the United States as a whole, and without reference to whether the United States could secure funds on better terms, tends, in my opinion, to lead to confusion of thought in

the consideration of the bill, and in the end would be certain to prove embarrassing to the credit and financial operations of the United States.

I notice that section 2 of the bill provides that the bonds authorized shall be exempt from taxes or duties of the United States, although under the second Liberty bond act and subsequent legislation it has been the practice of the Treasury to issue the Liberty bonds subject, except to a very limited extent, to Federal surtaxes and profits taxes. The policy of the Treasury is definitely against granting unlimited exemptions from Federal surtaxes and profits taxes, and I do not feel that it would be fair to the patriotic subscribers for Liberty bonds to confer upon the proposed special issue of bonds exemptions from taxation which have, in the main, been denied to the Liberty bonds.

Even if the bill were amended so as to make a direct appropriation of a special amount without reference to reimbursement from a special issue of United States bonds, I feel that the proposal to authorize an expenditure of \$250,000,000 for purposes of reclamation would demand the most careful consideration from the point of view of economy in Government expenditures. In this connection I am inclosing a copy of a public statement which I issued under date of January 12, 1920, as to the financial position of the Government.

Very truly yours,

CARTER GLASS.

Hon. JOSEPH W. FORDNEY,
Chairman Committee on Ways and Means,
House of Representatives, Washington, D. C.

As a good business man and sound financier, Secretary GLASS knew that the fact that it may be easy to borrow money is no justification for any investment. A loan must be paid, regardless of the way in which the borrowed cash is expended.

A PAID PARLIAMENTARY SOLICITOR

Notwithstanding the fact that the Treasury Department has utterly repudiated this bond-issue scheme, the propagandists who are urging the passage of this bill continue to iterate and reiterate that no sum is asked of the United States Government in this plan. I have here a recent issue of *Politics*, a weekly newspaper published in Washington, containing the photograph and a write up of an individual who is styled the "premier of all parliamentary solicitors." We are told in this article that this "premier of all parliamentary solicitors" is now—

putting forth all his efforts in behalf of what he considers the most important undertaking before the American people, namely, the Boulder Dam enterprise, which he ranks as second only in the magnitude of the resultant good to the Panama Canal. He says it can be built without the cost of a dollar to the United States Government, and he believes firmly that this will be the outcome in spite of the combined influence of all the politicians in Arizona, including his warm personal friend, Senator ASHURST.

I doubt very much whether the editor of *Politics*, who, I understand, is a veteran newspaper man, would have published this piece of propaganda if he had known that this "premier of all parliamentary solicitors" was a paid lobbyist who has been kept here in Washington for many months on the pay roll of an organization actively interested in the passage of the Swing-Johnson bill. His statement that the Boulder Dam enterprise "can be built without the cost of a dollar to the United States Government" and all similar statements are pluperfect and perfervid piffle which deceives no one who seeks the truth.

NEWSPAPER PROPAGANDA

That the Californians still fondly entertain this bond-issue delusion is exemplified by a purported interview with Hon. JOHN Q. TILSON of Connecticut, majority leader in the House of Representatives, which appeared in the *Washington Herald* of May 12, 1928. In this newspaper article Congressman TILSON is made to say:

It is my understanding that provision will be made in the bill in the House for issuance of bonds by the Secretary of the Treasury to meet the capital investment in Boulder Dam, including interest during construction. Payment of those bonds and their interest will be guaranteed by the contracts secured by the Secretary of the Interior for sale of power and water.

I have known JOHN TILSON for over 15 years, and I know him well enough to say that he never made any such statement. Mr. TILSON possesses many excellent qualities which well qualify him for his position of leadership in the great legislative body at the other end of the Capitol, and chief among them is common sense. He does not indulge himself in dreams or visions, but is always sane and sensible, and particularly so with respect to all matters relating to governmental expenditures. I repeat that I know the Congressman well enough to be certain that he never expressed the ideas attributed to him in this so-called interview.

The "by line" at the head of the column in the newspaper which printed this "interview" with Mr. TILSON shows that it was written by a man whom I have also known for a long time, and I know him well enough to say that he deliberately placed these words in Mr. TILSON's mouth, although he knew that the Congressman had never uttered them or even expressed a similar thought.

This writer is employed by the Hearst newspapers, and devotes most of his time to promoting the passage of the Swing-Johnson bill. He is not expected to write legitimate news. His duty is to prepare and promulgate propaganda. Every happening that can be colored, every expression that can be twisted, every fact that can be warped, must all appear in print as favorable to Boulder Dam. I make no attack upon his sincerity, because I am convinced that he honestly believes that the passage of this legislation is of such paramount importance to the State of California, of which he is a resident, that the end justifies the means.

In fairness to him, I must say that his methods are usually much less unscrupulous than some of the other special writers who prepare alleged news relating to the Swing-Johnson bill for the Hearst newspapers. He never has gone to such lengths in departing from the truth as do the editorial writers of the *Los Angeles Examiner*, whose misrepresentations are repeated verbatim on the back pages of the other Hearst newspapers throughout the country.

MISTAKEN POLICY OF HEARST NEWSPAPERS

It has always been a mystery to me, a puzzle that I can not solve, as to why the Hearst newspapers follow this mistaken policy. I know that the *Los Angeles Examiner* believes in giving its readers what they want and has no scruples about whether or not it is good for them. I know that time after time there have appeared in its columns predictions of the millions of people and the billions of wealth which Boulder Dam would bring to southern California. I know that all such prognostications of future prosperity are like manna from heaven to the real-estate speculators who infest that fair land where nature does her very best and man, sometimes, his worst. But that same kind of newspaper puffing and blowing has been going on for six long years, and the Swing-Johnson bill is not yet a law. The people of southern California grow weary of waiting; so why not tell them the truth for a change?

Tell them that the United States Senate will never pass the Swing-Johnson bill in its present form. Tell them that the great majority of Senators have no desire to perpetrate so great an injustice as this bill does to the State of Arizona. Tell the people of southern California that the benefit to come from the development and utilization of the Colorado River is so great that instead of trying to appropriate the whole of it for themselves they can well afford to be liberal with the adjoining States of Arizona and Nevada. Tell them that the Senate will never consent to any legislation that is not fair and equitable. Tell them the truth.

I hope that I have not wasted my breath in making this appeal to the Hearst newspapers, although I probably have. Nevertheless time, which flies swiftly, will demonstrate that I am right. Truth and justice will in the end prevail.

TWISTING THE TRUTH

To again demonstrate the way in which the Hearst newspapers insist upon bending and twisting the truth to serve the purposes of propaganda, I shall refer to another alleged news story which appeared in the *Washington Herald* of last Sunday. The mendacious and irresponsible writer whose name appears in the "by line" refers to "Dwight B. Heard, former Governor of Arizona," when the truth is that Mr. Heard was never governor of that State.

We are told that Mr. Heard was one of two past governors in the seven States conference at Denver last summer, and that he represented the State of Arizona at that conference. The exact truth is that Mr. Heard was not one of the eight members of the Arizona Colorado River Commission which attended the Denver conference. He had no vote in the conference, but was merely in attendance in an advisory capacity.

Neither was Mr. Heard in Denver in the employ of any private power company. The Arizona Colorado River Commission invited about a half dozen citizens of my State who are well informed on the Colorado River situation to accompany them to Denver. The expenses of these citizens were paid by the State of Arizona. I do not know how much Mr. Heard was paid, or whether he received any reimbursement from the State of Arizona, but I do know that he received not a single cent from any other source.

The whole tenor and purpose of this newspaper story was by cowardly innuendo to convey the impression that Mr. Heard went to Denver as a secret tool of the private power interests

for the purpose of inciting strife and discord among the States of the Colorado River Basin. The truth is that no man in all the seven States has worked harder to promote harmony or has striven longer or more intelligently to bring about a solution of the Colorado River controversy which will be fair and just to all concerned.

To any one who knows Dwight Heard, this insinuation by the Hearst newspapers that he would act as a servant for the so-called Power Trust is positively idiotic. No man anywhere in America could be more free from such an unworthy suspicion. Mr. Heard was one of the original Progressive Republicans, a warm personal friend of Theodore Roosevelt who supported that great leader to the last ditch. Throughout the quarter of a century that I have known Mr. Heard he has always been an aggressive fighter on the side of the public and against every form of special privilege.

Dwight B. Heard is opposed to the Swing-Johnson bill in its present form because that measure seeks to bestow special privileges and advantages upon the State of California to which that State is not equitably entitled. He is opposed to the Federal Government going into the power business at Boulder Dam, but he is an open and avowed advocate of public ownership of utilities such as electric power. He has learned by actual experience in the Salt River Valley that there is a vast practical difference between a public utility controlled and operated by the people who are to be locally served and the same utility when owned and operated by the United States. Public ownership does not mean Federal ownership to him, because he knows that local rather than national management will give better service to the consumers of power produced at Boulder Dam.

Mr. Heard has made a report upon the Denver conference, which has been published, so that everyone may know what happened there. I have here an article which he wrote for the *American Review of Reviews*, which was printed last December. The most careful critic may examine his words with a microscope and find no trace of Power Trust propaganda.

Mr. Heard was so outraged at this alleged news story which appeared in the Hearst newspapers last Sunday that he has sent the following telegraphic statement with relation thereto, which I shall now read to the Senate:

PHOENIX, ARIZ., May 21, 1928.

My attention is called to an article by John T. Lambert in last Sunday's *Washington Herald* imputing improper motives to my opposition Swing-Johnson bill and intimating that as a director of United States Chamber of Commerce and a member of its committee to report on Swing-Johnson bill I made improper use of my position. These insinuations are both unjustified and untrue.

My attitude as a citizen of Arizona for many years has been one of consistent opposition to Swing-Johnson bill but of support of any constructive measure for development of Colorado River which would safeguard Arizona's rights, bring about approval of seven-State Colorado River compact through the cooperation of the Federal and State Governments.

I presume, as one of directors of United States Chamber of Commerce, I was appointed on the committee to consider Boulder Dam project because of my familiarity with subject. My opposition to Swing-Johnson bill was well known.

On the same committee there served Ward L. Bannister, of Colorado, whose support of Swing-Johnson bill was equally well known. We both united in the unanimous report of the committee to the board of directors, the essence of which follows:

"Examination of the Boulder Dam project discloses its great importance and the purposes of national character which it will serve. These purposes involve questions of preparation for adjustment of international relations with Mexico, flood control and apportionment of water resources among States, the utilization of such resources, and compensation, if any, to States in respect thereto.

"One of the features of the project is of such a nature, however, that we believe and recommend that the board should take action with reference to a policy which has already been declared and which has been considered by the membership to be so important that it has been reiterated. This is the position that the Government should scrupulously refrain from entering any phase of business which can be successfully undertaken and conducted by private enterprise.

"This action on the part of the board should be taken with reference to provisions in any proposed legislation as to the utilization of the water power which will be made available by the project and the distribution of the electricity which is generated. We believe that any legislation which is enacted with respect to the Boulder Dam project should expressly and affirmatively provide that all proper effort shall be made to have private enterprise receive such opportunity to generate and distribute power at Boulder Dam as is provided under the Federal water power act, as to the utilization of water powers at Government dams

elsewhere in the country, and will be consistent with the other purposes for which this dam will be constructed.

"The Federal power act not only provides for opportunity to private enterprise but for opportunity to States and their municipalities, as well as to the Federal Government."

Such attacks as have been made in the *Herald* are convincing illustration of the depths to which the lobby for the Swing-Johnson bill will descend in its efforts to attack and besmirch decent citizens. My attitude on this question has been publicly expressed on many occasions and finds definite expression in an article in the *American Review of Reviews* of last December.

For many years my position as to the use of Colorado River power has been consistent and definite. I have clearly stated that in the use of this power municipal corporations and private companies should have equal opportunity but not special privilege. That when Arizona's natural resources were used in producing power, as in the case of the proposed Boulder Dam, Arizona should receive a revenue equivalent at least to that which she would receive from taxation were the development made by private capital.

This position I feel is fundamentally sound and in the interest of the public welfare, and I personally resent and deny the imputations made in the article in the *Herald*.

In public addresses and articles published I have insisted that the enormous power resources of the Colorado River largely within Arizona should be developed for the benefits of all people and not for the private profits of a few. Any suggestion that my course is dictated by any power company, directly or indirectly, is unqualifiedly false. The insinuations in the article are as far from the truth as the statement which is made within it that I am an ex-Governor of Arizona.

My opposition to the Swing-Johnson bill is based on the following reasons:

- First. That the bill is thoroughly unsound economically.
- Second. That it is a violation of the State rights of Arizona.
- Third. That it utilizes national funds for the sole benefit of California.
- Fourth. That it endeavors to use the natural resources of Arizona for California's benefit without compensation to Arizona; and
- Fifth. That it includes the possibility of the Federal Government entering the business of the sale and distribution of power which in my judgment should be conducted by private or municipal interests.

DWIGHT B. HEARD.

As I stated, I have here a copy of an article written by Mr. Heard and published in the *American Review of Reviews* for December, 1927. When I have read what he said, no Senator can justly say that Dwight B. Heard was trying to do anything else than bring the interested States together, so that the now wasted resources of the Colorado River might be developed and utilized in the public interest. I shall now read the article for the information of the Senate:

THE COLORADO RIVER CONTROVERSY

By Dwight B. Heard, an adviser to Arizona's Colorado River Commission

Twenty years ago Theodore Roosevelt said that one of our greatest national duties was changing the waste of the Colorado River into controlled use. Ever since then far-seeing men, in increasing numbers, have been trying to put the vision of Roosevelt into action.

The sessions of the Colorado River conference, held in Denver in August and September this year, lasting over a month, illustrate the new movement in the seven Colorado River Basin States to unite on a plan of action for promptly harnessing the Colorado. Such a plan should be based on just cooperation among all the basin States and the Federal Government, and should remove the Colorado River or Boulder Dam controversy from the twilight zone between State and Federal rights. To succeed the plan necessarily must admit the sovereign rights of the States to the use of their lands and water and the right of the Federal Government to control interstate navigation on the stream.

While public attention has been focused on the very important feature of flood control, the underlying reason for the fierce controversy that has waged around Boulder Canyon has been over the millions of horsepower, or "white coal," involved in the canyons of the Colorado, mostly in Arizona. At seven carefully studied power sites in Arizona, and at one partly in Arizona and partly in Nevada, practically 4,000,000 firm horsepower can be developed, equal to 80 per cent of the hydroelectric power used in the United States last year. These figures are obtained from recent publications of the Geological Survey. These same reports show that in the last four years the use of power in the United States has increased 40 per cent, and that 35 per cent of the power used was hydroelectric, which is holding its own despite the tremendous increase in the efficiency of steam-generated power.

The Colorado River conference is composed of the Governors of the seven Colorado River Basin States, the official Colorado River Commissioners, and other advisers of these States, and a group of Senators and Congressmen from that region.

To put a constructive development plan into effect it is essential not only that the seven States and the Federal Government agree on the plan, but that all the basin States approve the Colorado River compact, adopted at Santa Fe, N. Mex., on November 22, 1922. This compact was well described by Herbert Hoover, who presided at the meeting, as a "40-year vacation from litigation."

FIVE YEARS OF DISAGREEMENT

The compact was never officially approved by Arizona, only conditionally approved by California, and Utah has refused to accept the compact unless all the basin States approve it. One of its fundamental principles was protection of the upper Colorado River Basin States, which supply most of the water, from the establishment of priority rights to the use of water by the more rapidly developing lower basin States. It is this same principle that Arizona has stood for in her efforts to obtain a tri-State treaty with California and Nevada—the other lower basin States—to protect Arizona's future development against the acquirement of adverse prior rights by California or the Republic of Mexico.

This controversy over Colorado River development and the approval of the compact has raged for five years. Last March it resulted in the defeat in Congress of the Swing-Johnson bill, now generally regarded as an invasion of State sovereignty, and a bill which included at least the possibility of the Federal Government entering the power business.

Realizing that it was nothing short of an economic crime for one of the Nation's greatest resources, the Colorado River, to remain longer undeveloped, Gov. George H. Dern, of Utah, after a careful personal study last summer of conditions in Arizona and California underlying the dispute between these States, instituted a movement which resulted in Govs. William A. Adams, of Colorado, Frank C. Emerson, of Wyoming, and H. C. Dillon, of New Mexico, joining with him in the call for the Colorado River conference.

A NEW CONFERENCE OF SEVEN STATES

Governor Dern, unanimously elected chairman, in opening the conference at Denver on August 22 last, well outlined its vital purposes when he said:

"Unless we are here with determination to do justice as well as to seek justice our deliberations are foredoomed to failure. Statesmanship and enlightened self-interest alike dictate that we compose our differences and go before the country as a compact unit. God has made us neighbors; let justice make us friends."

Among the accomplishments of the Colorado River conference was the unanimous adoption of the Mexican resolution, signed by the seven governors and presented to President Coolidge and Secretary of State Kellogg. This resolution urged that to prevent friction and misunderstanding with Mexico over the use of the Colorado River—whose normal flow is already overappropriated—a note be sent to Mexico warning against increased use within her borders of the waters of the Colorado.

The resolution further requested, in the interest of improved relations with Mexico and the promotion of the economic welfare of the States concerned, that a treaty regarding the use of Colorado River water be negotiated with Mexico, and that the Federal commission having this international question under consideration be enlarged to include two representatives of the Colorado River Basin States.

It became manifest in the discussions of the Denver conference that to bring about Colorado River development free from litigation and controversy it was necessary not only to secure cooperation between the basin States and the Federal Government and the approval of the Colorado River compact by all the basin States, but it was equally essential to obtain an agreement under the provisions of the Colorado River compact among Arizona, California, and Nevada. As the conference progressed it became evident that such supplementary compact should cover not only a division of the average amount of 7,500,000 acre-feet of water turned down by the upper-basin States for the use of the lower-basin States, but should also provide for a distribution of power benefits to Arizona and Nevada for their contribution of natural resources in the production of power, largely to be used in the development of southern California.

ARIZONA'S PROPOSALS

Arizona presented her position to the conference in the following brief statement:

"Item 1. That Arizona will accept the Colorado River compact as agreed upon at Santa Fe, N. Mex., if and when the same is supplemented by a subsidiary compact which will make definite and certain the protection of Arizona's interests.

"Item 2. That before regulation of the Colorado River is undertaken Mexico be formally notified that this country reserves for use in the United States water made available by storage within the United States.

"Item 3. That any compact dividing the waters of the Colorado River and its tributaries shall not impair the rights of the States, under their respective water laws, to control the appropriation of water within their boundaries.

"Item 4. That the waters of the tributary streams of the Colorado River system entering the river below Lee Ferry, and which are inadequate

to develop their own valleys, be reserved to the States in which they are located.

"Item 5. That the water in the main Colorado River which is physically available in the lower basin (but without prejudice to the rights of the upper-basin States) shall be legally available to and divided between Arizona, California, and Nevada, as follows: A. To Nevada, 300,000 acre-feet. B. The remainder, after such deductions as may be made to care for Mexican lands, which may be allotted by treaty, shall be divided equally between Arizona and California.

"Item 6. That the right of the States to secure revenue from and to control the development of hydroelectric power within or upon their boundaries be recognized.

"Item 7. That encouragement will be given, subject to the above conditions, to either public or private development of the Colorado River at any site or sites harmonizing with a comprehensive plan for the maximum development of the river's irrigational and power resources.

"Item 8. That Arizona is prepared to enter into a compact at this time to settle all of the questions enumerated herein, or Arizona will agree to forego a settlement of items 6 and 7 and make a compact dividing the waters alone, provided it is specified in such compact that no power plants shall be installed in the lower-basin portion of the main Colorado River until the power question is settled by a compact between the States."

THE LOWER STATES DIFFER

California first suggested deferring adjustment and submitting the matter to arbitration, but when pressed by the governors of the upper-basin region for a definite statement presented the following suggestion for division of the water allocated under the Santa Fe compact without reference to distribution of power benefits:

"1. To Arizona and Nevada, their tributary waters, subject, however, to the condition that any tributary waters not used and reaching the main stream shall be deemed part of the main-stream flow for the purposes of the agreement.

"2. To Nevada, 300,000 acre-feet per annum from the main stream.

"3. To Arizona her present perfected rights to 233,800 acre-feet per annum, and to California her present perfected rights to 2,159,000 acre-feet per annum from the main stream; the balance of the water of the main stream below Lee Ferry, subject to the terms of the Colorado River compact, to be divided equally between Arizona and California, subject, however, to the provisions that any part of the allocation of either State not put to beneficial use in said State within 20 years shall thereafter be subject to appropriation and use in either State, pursuant to its laws."

Arizona bases its position on definite principles and rights involved in State sovereignty; the same principles upon which New York insists in controlling the use of the waters of the St. Lawrence River for the benefit of its people. These rights on which Arizona insists are:

A. The constitutional right to the use and disposal of the waters of the Colorado River as it flows through Arizona's borders.

B. The ownership of the stream bed of the Colorado River within Arizona.

C. The right to a revenue in lieu of taxation for the use of the fall of the huge flow of the Colorado, which fall within Arizona amounts to 2,369 feet.

D. The right that no dam or dams wholly or partly in Arizona shall be constructed without the consent of the State.

Without unfairness to California, it may be here observed that the official records of stream measurements show that Arizona contributes over 17 per cent of the total Colorado River water supply and California contributes no water except an insignificant amount at infrequent periods.

Arizona contains 45 per cent of the drainage area of the Colorado; California less than 2 per cent. Of Arizona's total area, 97 per cent is in the drainage basin of the Colorado, which stream, with its opportunities for development, Arizona regards as her greatest natural resource.

THE UPPER STATES SUGGEST A COMPROMISE

After reviewing the testimony offered by the lower-basin States, the upper-basin governors united in presenting a proposal to them for settling their differences, which may be summarized as follows:

Of the average annual delivery of water to be supplied to the lower basin by the upper basin 300,000 acre-feet to Nevada, 3,000,000 acre-feet to Arizona, and 4,200,000 acre-feet to California.

Arizona to have the exclusive, beneficial consumptive use of her tributaries before the same empty into the main stream.

Arizona and California each may divert and use one-half of the unappropriated waters of the main Colorado River flowing below Lee Ferry on the condition that the use of said waters between the States of the lower basin shall be without prejudice to the rights of the States of the upper basin to further apportionment of water as provided by the Colorado River compact.

At the second session of the conference, Arizona accepted the upper governors' proposal on water allocation. This acceptance was based on a complete agreement being reached during the conference, protecting Arizona in her right to receive power benefits, safeguarding the water

of Arizona's tributary streams flowing into the Colorado, and protecting her from having her tributary water drafted for use in Mexico. That Arizona paid a great price for this cooperation is seen when we consider that she has an equal right with California to one-half of the stored flood water and that the Arizona lands to be reclaimed are as productive and feasible of reclamation as those of California.

California declined to accept the proposal of the upper-basin governors, insisting that to supply her essential water needs, including some 1,000,000 acre-feet to be pumped over a 1,600-foot mountain range to add to the supply of Los Angeles and the coastal-plain districts, she must have a minimum of 4,600,000 acre-feet or 61.3 per cent of the allocated lower basin.

PRINCIPLES OF STATE RIGHTS

Probably the outstanding feature of the conference to date has been the adoption of what is known as the Pittman report, which clearly outlines the principle of State sovereignty and that coordination of State and Federal rights on which this Republic is built. Senator PITTMAN, of Nevada, introduced his resolution at the first session of the conference, protecting the States in their sovereign rights to the use of the water of interstate streams, subject only to the right of Congress to control navigation in the interest of interstate commerce. This important resolution, early in the second session, was referred to a committee of the conference composed of representative members from all the seven States. This committee, on September 23, 1927, made the following report:

"The States have a legal right to demand and receive compensation for the use of their lands and waters except from the United States for the use of such lands and waters to regulate interstate and foreign commerce.

"The State or States upon whose lands a dam and reservoir is built by the United States Government, or whose waters are used in connection with a dam built by the United States Government to generate hydroelectric energy, are entitled to the preferred right to acquire the hydroelectric energy so generated or to acquire the use of such dam and reservoir for the generation of hydroelectric energy upon undertaking to pay to the United States Government the charges that may be made for such hydroelectric energy or for the use of such dam and reservoir to amortize the Government investment, together with interest thereon, or in lieu thereof agree upon any other method of compensation for the use of their waters."

While this report was not signed by California's representatives nor voted upon by her representatives in the conference, it was otherwise unanimously adopted.

WHEN CONGRESS MEETS

The sessions of the conference, to be continued late in November, have paved the way for united support of a new plan for Colorado River development for presentation to the approaching session of Congress, which includes the following features:

The advance of Federal funds for the cost of construction when the Government is assured of sufficient income from power and water revenues to amortize the total cost in 50 years and pay all interest and operating charges during such period.

Recognition of the principle of State sovereignty over the use of land and water by a provision for payment of an annual revenue in lieu of taxation to the States contributing of their natural resources toward power production; this revenue to equal at least that which the State would receive in taxation if the development were made by private capital.

Removal of all possibility of the Federal Government entering the power business but with opportunity given, as provided in the Federal water power act, for public and private agencies to present offers for the power privileges.

The steadiness, determination, and good sense of the governors of the upper-basin States, who have acted as a neighborly board of mediation, have been admirable. They have held the negotiations to the consideration of vital principles, working to a constructive end, and are entitled to great credit for the fine spirit of justice shown.

On October 18 the directors of the Chamber of Commerce of the United States, to whom this important matter was presented, decided that such excellent headway was being made by the Colorado River conference that no action should be taken by the chamber in this vital matter until the Colorado River conference had exhausted every effort to adjust the situation.

On October 22, Gov. George H. Dern, of Utah, in a conference with President Coolidge, obtained from the President his expression of good will for the success of the work under way.

Unusual headway has already been made. The practicality of the plan of cooperation suggested is increasingly evident.

That concludes the article written by Mr. Dwight B. Heard and published in the American Review of Reviews for last December. As Mr. Heard predicted in this article, serious efforts were made to arrive at an understanding between Arizona and California which would be fair to both States. The senior Senator from Nevada [Mr. PITTMAN] will, I am sure, agree that

it was through no fault of mine that a complete agreement has not been attained with respect to a division of the waters allocated to the lower basin by the Colorado River compact.

In order that the Senate may know what the Senator from Nevada and I have tried to accomplish, I shall read a copy of a letter which I addressed to the Governor of Utah last March:

WASHINGTON, D. C., March 31, 1928.

HON. GEORGE H. DERN,

Chairman Colorado River Conference,
Salt Lake City, Utah.

MY DEAR GOVERNOR DERN: In a talk one day with Senator PITTMAN I remarked that if the Gila River had not been included in the Colorado River system Arizona would have promptly ratified the compact in 1923. Afterwards the Senator said that he could see no reason why Arizona, California, and Nevada should not agree among themselves that the Gila and its tributaries be assigned wholly to Arizona and divide between them the 8,500,000 acre-feet of water granted to the lower basin. A careful reading of the compact convinced him that the three States have a perfect legal right to make such an agreement.

In order to see what could be accomplished in that direction, I drafted an amendment to the Johnson bill (S. 728), which I gave to Mr. Malone, who passed it on to the Californians. The amendment was predicated upon further amendments to the bill which would bring the three States into complete accord. When asked what these further requirements were I stated:

First. That the bill be based upon a seven-State ratification of the Colorado River compact.

Second. That every element of coercion of the State of Arizona be stricken from the bill, such as the reference to the constitution of Arizona, so that the people of my State could fairly and freely pass upon the merits of the proposal.

Third. That the California Senators agree to accept Senator PITTMAN'S power amendments and recognize the principle that the States are entitled to compensation for the use of their lands and waters.

Fourth. That there be stricken from the bill the provisions which seek to change the contract of October 23, 1918, between the United States and the Imperial Irrigation district, in which the water users of the Yuma project have a vital interest.

At meetings in Senator PITTMAN'S office with Messrs. Pound, Rose, and Yager these four propositions were discussed and we made much progress toward arriving at a complete understanding. In presenting the water proposal I pointed out that about four-fifths of the people of Arizona live in the area drained by the Gila and that their interests must be fully protected. That it is impossible to deliver to Mexico any water from the Roosevelt Dam or any other existing reservoir during a period of drought because the water would have to flow for over 200 miles in a dry river bed and not a drop of it would appear at the mouth of the Gila. That the conservation and use of all of the waters of the Gila in Arizona could injure none of the six other States because that river empties into the Colorado below the Laguna Dam, which is the last point of diversion in the United States, since the Hanlon heading must be abandoned.

I said that Arizona was willing to divide all the water which is divisible. That the apportionment of water between the upper and lower basins as provided in the compact was satisfactory to my State. That it was physically impossible to supply any water to Mexico, except from the main stream of the Colorado River. That even though the governors of the upper-basin States had awarded 1,200,000 acre-feet more water to California than to Arizona, my State would equally divide with California the burden of supplying water to Mexico. That Nevada had been awarded so small a quantity of water that we would not ask that State to furnish any water to Mexico.

I concluded by saying that since Senator PITTMAN was of the opinion that it would be no violation of either the letter or the spirit of the Colorado River compact for the States of Arizona, California, and Nevada to at this time divide the 8,500,000 acre-feet of water apportioned by it to the lower basin I was willing to give California a good title to 4,700,000 acre-feet of water, which is 100,000 acre-feet more than her commissioners asked at Denver. That Arizona would include in her 3,500,000 acre-feet all tributaries of the Colorado River above the Laguna Dam, so that the users of water on the Little Colorado, for example, would be in exactly the same position as a water user on any tributary of the Colorado in the upper basin which contributes water to the total supply that is actually capable of division.

Mr. Rose stated the only objection which was then made to my plan of water division. He insisted that if the farmers of the Salt River Valley were to be assured that they would never be called upon to supply water to Mexico, then those now farming in the Imperial Valley should have the same protection. I directed his attention to the fact that the plan contemplated that California should have 1,200,000 acre-feet of water free from any Mexican burden, but that did not satisfy him. I later drafted a further provision, laying down a rule which would be applicable to all seven States, that no land now having a perfected right to water should be required to furnish any water to Mexico, but that each State's quota of the Mexican demand

be furnished in the inverse order of priority as established by State law.

I was quite hopeful that my water proposal would be accepted, but last Thursday Mr. Rose and Mr. Childers called at my office and said that California could not agree to it and that the best their State could do was expressed in a memorandum of which I had a copy. In view of the repeated and reiterated statement that Arizona must seek the same protection which has been freely conceded to the States of the upper basin, these gentlemen must have known that my State could not leave her rights to water from the Colorado River to be determined some time within 10 years by a majority of any commission. The only conclusion that I could draw from this action is that California still hopes to secure all that she seeks through an act of Congress and has no real or sincere desire to come to any agreement with Arizona.

I am inclosing a copy of the written proposal relating to water which I submitted to the Californians and a copy of the memorandum in reply thereto. I shall be obliged if you will bring these papers to the attention of the governors and commissioners of the States of the upper basin that, based upon this record, they may judge for themselves as to which of the two States was sincere in trying to reach an agreement.

I am just in receipt of your telegram and regret to learn that no meeting of the governors of the States of the upper basin has as yet been arranged. This letter was written with the thought that there would be such a meeting, and I am, therefore, sending copies of it to your colleagues of the Colorado River conference.

Yours very sincerely,

CARL HAYDEN,
United States Senate.

Mr. President, I shall now read the proposal which I made to the Californians and to which reference is made in this letter. The final draft of that proposal was as follows:

PROPOSED DIVISION OF LOWER BASIN WATER TO ARIZONA, CALIFORNIA, AND NEVADA

Of the 7,500,000 acre-feet annually apportioned to the lower basin by paragraph (a) of article 3 of the Colorado River compact, and of the 1,000,000 acre-feet in addition which the lower basin has the right to use annually by paragraph (b) of said article; to the State of Arizona 3,500,000 acre-feet; to the State of California 4,700,000 acre-feet; and to the State of Nevada 300,000 acre-feet, the said apportionment in each case to be for exclusive beneficial consumptive use in perpetuity:

Provided, That if, as provided in paragraph (c) of article 3 of the Colorado River compact, it shall become necessary to supply water to the United States of Mexico from waters apportioned by said compact, then the burden of supplying the one-half of any deficiency which must be supplied by the lower basin shall be equally borne by the States of Arizona and California;

Provided further, That the State of Arizona shall have the exclusive beneficial consumptive use of the Gila River and its tributaries within the boundaries of said State, and the waters of said river and its tributaries shall never be subject to any diminution whatever by any allowance of water which may be made by treaty or otherwise to the United States of Mexico.

The several foregoing apportionments shall include all water necessary for the satisfaction of any rights which may now exist, including water for Indian lands in each of said States, and in the enforcement of any treaty which may require the delivery of apportioned water to the United States of Mexico neither the United States of America nor any State shall require any land having a perfected right to water at the date of the approval of this act to be deprived of water, but lands having the latest order of priority to the use of water, as determined by State law, shall be the first to be deprived of water to supply the quota of water which such State may be required to supply to the United States of Mexico.

The States of Arizona and California each may divert and use one-half of the waters of the Colorado River system, unapportioned by the Colorado River compact, flowing in the main stream of the Colorado River below Lees Ferry, subject to future equitable apportionment among the States of the Colorado River Basin after the year 1963.

That, Mr. President, was my proposal, and I now direct the attention of the Senate to the written answer to that proposal submitted by gentlemen from California who are here speaking for that State with respect to the Colorado River. Their proposal in reply was as follows:

PROPOSAL MADE BY MESSRS. POUND, ROSE, AND CHILDERS TO SENATOR HAYDEN, MARCH 28, 1928

1. The States of Arizona, California, and Nevada shall support S. 728, as reported by the Senate Committee on Irrigation and Reclamation, in substantially its present form, including the power revenue provision, and to include a provision whereby dam construction shall start immediately so as to obtain flood relief at the earliest possible time.

2. Direct in the bill a full study, in cooperation with State officials of the three States, of the irrigation possibilities from the Colorado River system, exclusive of the Gila and its tributaries, in the States of Arizona, California, and Nevada, and authorize an appropriation of \$250,000 for that purpose.

3. Upon the passage and approval of said bill, the three States to approve the Colorado River compact unconditionally, and at the same time, as a part of the same act or concurrently with it, approve a three-State compact for a division of the use of the waters of the Colorado River system in the lower basin among the States of Arizona, California, and Nevada. The said three-State compact shall provide for a commission of five, one member thereof to be appointed by each of the States of Arizona, California, and Nevada, and two by the President of the United States, which commission shall make its study and report its findings to the President at as early a date as may be convenient, but in any event within 10 years, and upon the reporting of its findings to the President, with the concurrence of at least a majority of said commissioners, its findings shall be final and conclusive, and each of the States shall thereupon automatically be bound thereby.

I digress, Mr. President, to ask whether anyone would be so foolish as to think that a sovereign State of this Union could possibly leave its entire agricultural future in the hands of a majority of a commission which was to report some time within 10 years as to what part of the water might be allocated to that State? I doubt if the State of California itself, or any Senator or Representative from that State, would consent to the passage of any such provision in any act of Congress. Yet that is the only answer that I obtained, the only practical suggestion which was made, with respect to a division of the waters of the Colorado River in the lower basin.

As a part of its findings, the said commission shall allocate to Arizona in perpetuity the use of the Gila River and its tributaries within said State and, subject to the Colorado River compact, the use of the balance of the water of the Colorado River system in the lower basin shall be divided, for agricultural and domestic purposes, between Arizona, California, and Nevada on a just and equitable basis, and the commission shall find the basis upon which water, if any, shall be supplied to the Republic of Mexico. In making its findings the commission shall take into consideration the sovereignty of the contracting parties and the physical and economical conditions relating to the use of the water in the three States for irrigation and domestic purposes, to the end that the greatest beneficial use may be made of the waters of the Colorado River in the United States.

That, Mr. President, is the only concrete proposition in writing that I have received from anyone in any way authorized to speak for the State of California with respect to an apportionment of the waters of the Colorado River in the lower basin. I submit that the plan submitted is so unfair and so unjust that no one can blame me as one who has some right to speak for the State of Arizona for promptly rejecting it.

Mr. President, having disposed of the bond-issue proposal and the newspaper misrepresentations in connection therewith, and having likewise disposed of the attack made upon that eminent citizen of my State, Mr. Dwight B. Heard, I now return to the question of whether this bill by its express terms does place the construction and reimbursement of the cost of the all-American canal under the reclamation act.

THE ALL-AMERICAN CANAL SUBSIDY

In section 1 of the bill, on page 2, lines 10 to 15, the Secretary of the Interior is authorized to construct—

a main canal and appurtenant structures located entirely within the United States connecting the Laguna Dam with the Imperial and Coachella Valleys in California, the expenditures for said main canal and appurtenant structures to be reimbursable, as provided in the reclamation law.

It may be argued that such language is clear and plain and can not be misconstrued, but everyone knows that there is a special fund in the Treasury known as the reclamation fund and that all expenditures of money made under the reclamation law come out of that fund. The Swing-Johnson bill now before us for consideration, in section 2 provides for another special fund to be known as the "Colorado River Dam fund." This newly described fund can serve no useful purpose except to facilitate bookkeeping in the Treasury Department. The very name of the fund shows that it is to be created for the purpose of keeping account of the expenditures made upon a dam and a great hydroelectric power plant if the latter is built by the Federal Government. Interest on the money advanced will be charged from time to time at the rate of 4 per cent per annum. Credit will also be given when the periodical payments for power are made by the purchasers thereof.

The creation of a "Colorado River Dam fund" may be entirely justified to accomplish these purposes; but what is the

necessity of placing in it money for a reclamation project? The terms of payment for power will be upon one basis, and the terms of payment for the all-American canal will be upon another. This bill provides that the contracts for the sale of power or power privileges shall be such as to amortize the total investment in the dam, or the dam and power plant, as the case may be, in 50 years, with interest at 4 per cent.

The reclamation law provides that the Federal Government shall be reimbursed for its expenditures in 40 years. Is it not obvious that these two different systems of repayment, if the money is to come out of the same fund, are bound to lead to such confusion that the Treasury Department would have no other recourse than to establish a separate account for the all-American canal expenditures and receipts? Is there not also grave danger that the Comptroller General, or some administrative officer, or even the courts, may construe these conflicting provisions of the bill in such a manner as to violate the true intent of Congress?

It seems to me that it would be much safer and much simpler to limit the use of the "Colorado River Dam fund" to the Boulder Canyon Dam and the power plant. I have therefore, prepared an amendment to accomplish that purpose. I have not provided in the amendment that any particular sum of money should be appropriated and deposited in the reclamation fund for the construction of the all-American canal.

ALL-AMERICAN CANAL COST

How much would it cost to construct the all-American canal? The bill provides for the construction of a canal to connect the Laguna Dam with the Imperial and Coachella Valleys.

I find that the total estimated cost of the all-American canal from the Laguna Dam to the West Main Canal of the Imperial irrigation district is \$30,773,000. That sum is found on page 86 of the Fall-Davis report on the "Problems of Imperial Valley and vicinity." The all-American canal board in its report of July 22, 1919, did not contemplate anything more than a main canal from the Laguna Dam to Imperial Valley. No estimate was then made of the cost of conveying water on to Coachella Valley. That was an afterthought, which is found in the estimates for the so-called "A-line" canal which appears on page 82 of the Fall-Davis report of February 4, 1922.

The proposed "A-line" canal will branch off from the all-American canal shortly after it emerges from the sand dunes, and continue in a northwesterly direction for about 140 miles to and around the Coachella Valley. The estimated cost of this branch canal to Coachella Valley is \$10,941,000. Therefore, the total estimated cost of providing a means of conveying water from the Colorado River at Laguna Dam to the Imperial and Coachella Valleys, as stated in the Swing-Johnson bill, is \$41,714,000. For convenience I shall use \$42,000,000 as the proper figure.

I am sure that it will not be denied that the true intent and purpose of the Committee on Irrigation and Reclamation in inserting the words on page 2, lines 13 to 15 of the bill—

the expenditures for said main canal and appurtenant structures to be reimbursable, as provided in the reclamation law—

was to change the bill so as to make it certain that no part of the cost of the all-American canal from Laguna Dam to Imperial and Coachella Valleys would be paid from the receipts from the sale of hydroelectric power generated at Boulder Dam.

The bill as introduced by Senator JOHNSON undoubtedly contemplated that the Federal Government was to be reimbursed for the moneys expended on the all-American canal by means of the sale of Boulder Canyon power. The landowners of the Imperial and Coachella Valleys were to secure this main canal from the Laguna Dam as a free gift. In other words, the consumers of electric power in the municipalities of southern California were to reimburse the Federal Government for the cost of the all-American canal by paying a higher rate for the power purchased at Boulder Canyon. The committee very properly decided that this irrigation canal should not be subsidized by power, but that the landowners of the Imperial and Coachella Valleys should pay for their own canal just as other water users do on United States reclamation projects.

KILOWATT-HOUR COST OF ALL-AMERICAN CANAL SUBSIDY

The question has been raised as to just how much this all-American canal subsidy amounted to when translated into a charge per kilowatt-hour. Mr. George W. Malone, State engineer of Nevada, has made some very careful calculations, which have not been controverted or denied, and which show that this subsidy amounts to seventy-one one hundredths of a mill per kilowatt-hour. That is the extra charge that the consumers of power in Los Angeles and the other cities and towns of

southern California would have to pay if the all-American canal were given to the landowners of Imperial and Coachella Valleys as a gratuity.

I shall read from Mr. Malone's testimony before the Senate Committee on Irrigation and Reclamation. On January 20, 1928, he was interrogated by the senior Senator from California, as follows:

Senator JOHNSON. Don't you think that the Government, considering what it has done and is doing in other reclamation projects, relieving settlers from interest, and so on, could fairly and reasonably relieve the all-American canal from interest charges?

Mr. MALONE. Under a bill I believe introduced by yourself last year the all-American canal was under the reclamation act, where there are no interest charges, and provided that contracts be made prior to the construction of the all-American canal, providing for the payments, etc.

Senator JOHNSON. Well, I am asking you if you do not think that is a perfectly just thing under the circumstances?

Mr. MALONE. You could eliminate the interest and still make just charges. I do not say in this report that you shall pay any certain amount, but pay for the service rendered. Pay the just charges, whatever they are. And we consider that the Secretary should have some assistance from men who are on the ground, or are familiar with conditions, to determine what those just charges are.

Senator PITTMAN. Do you happen to know what amount per annum the interest would amount to on the all-American canal project?

Mr. MALONE. On what they call the straight-line basis, about \$890,000; \$896,000, I believe.

Senator PITTMAN. \$896,000?

Mr. MALONE. Per year.

Senator PITTMAN. Now, let me ask you what the State of Nevada would think about it if \$896,000 added to the cost of the power was such an amount that there would be no profit for distribution for Nevada? Would Nevada favor paying that interest?

Mr. MALONE. We would like to be treated fairly in the matter, and I would leave that to the judgment of the committee. I would not say that it all should be given to one State. The point I have tried to make in my reports is that there will be profits in this enterprise. Whether your committee recognizes that fact or not is beside the question. If you do not recognize it, they will all go toward the particular thing that is being financed in the set-up. If you do recognize it, then in case the profits are sufficient the two States who own the site may benefit.

Senator HAYDEN. As I understood you to answer Senator JOHNSON, you would have no objection to the construction of the all-American canal as an ordinary reclamation project, without interest, for the benefit of the lands in that section of the country, and it would be a positive advantage to the scheme to have it done in that way. In other words, this seven-tenths of a mill that is charged to power by having the all-American canal constructed as an ordinary reclamation project would be removed?

Mr. MALONE. Interest on the all-American canal amounts to, as I say, about \$896,000 a year on a straight-line basis, meaning the average over the period, which, in turn, amounts to almost exactly a quarter of a mill in this set-up. That could be eliminated if the Senator's bill was drawn as it was last year at one time, so that the all-American canal would be constructed under the Reclamation Service, contracts being made with the lands prior to starting construction, the same as you have it on the dam in regard to power, and then there would be no interest, and the lands would pay the cost. Does that answer your question?

Senator HAYDEN. Yes. I can see that. Now, the set-up in the bill as I remember last year provided for \$31,000,000 for the construction of the all-American canal. The bill itself provides for the construction of the canal from the Laguna Dam into the Coachella Valley. My understanding of that \$31,000,000 figure is that it would only carry the canal through the sand dunes and into what now comprises the Imperial irrigation district. That there would be some eighty-odd miles for the additional canal, and the figures for that, I think, are some \$11,000,000, if I remember right, to carry out the purpose of the bill. Have you in your set-up counted on \$31,000,000 or a total of \$42,000,000 for that purpose?

Mr. MALONE. We have counted on \$31,000,000—it is either \$31,000,000 or \$31,500,000. I have it in my report, and in addition the interest during the construction of the canal, which would only be a part of the 10 years as outlined for the dam, making a total of \$35,000,000, including interest during construction and the original cost of the canal. Now, I am not exactly clear where the end of the canal would be, Senator, and I would not answer it without referring to the Weymouth report. You can get it from the report if you desire.

Senator HAYDEN. My recollection of the Weymouth report is that the cost of the all-American canal proper, carrying it only through the sand dunes, would be \$31,000,000, and that there would be an additional cost of \$11,000,000 to carry it from that point to the Coachella Valley.

Now, the bill provides for delivery of water into the Coachella Valley. So it seems to me that if the plan of the bill was carried out you would have to make your figure \$42,000,000 instead of \$31,000,000, and base your calculations on that assumption.

Mr. MALONE. I would be very glad to clear that point up for the committee. I am satisfied that Thomas Maddock or myself could do it. I could tell you, though, definitely in a day or so.

Senator HAYDEN. That is all.

I desire to have printed in the RECORD a table prepared by Mr. Malone showing the cost of annual operation of the Boulder Dam and power plant during an amortization period of 35 years, in which he demonstrates that power can be delivered from Boulder Dam to Los Angeles, if this all-American canal subsidy is removed, for 3.04 mills per kilowatt-hour; but that if the cost of the all-American canal is to be paid out of the power, then seven hundred and eleven one-thousandths, or seven-tenths of a mill, must be added to the price of power, making the total cost of power from Boulder Dam in Los Angeles 3.751 mills per kilowatt-hour.

The PRESIDING OFFICER (Mr. SHORTRIDGE in the chair). Without objection, the table will be printed in the RECORD.

The table is as follows:

Cost annual operation during amortization period of 35 years

	Per cent	Cost	Mills
Interest.....	5	\$2,500,000	0.695
Annual payments.....	1.107	553,500	.1538
Depreciation.....	1.25	625,000	.1933
Operation and maintenance.....	1	500,000	.1388
Total.....	8.35	4,178,000	1.1609

Three billion six hundred million kilowatt-hours, corresponding to 550,000 firm horsepower annual charges of \$4,178,000, is equal to 1.16 mills at the switchboard.

	Cost at switchboard	Cost at power market assumed 12 per cent line losses
Dam and power plant.....	1.511	1.72
Transmission line.....	1.160	1.32
Total.....	2.671	3.04

The power delivered into the power markets, without any reference to the all-American canal, is 3.04 mills.

All-American canal—41 years' amortization exclusive of 9-year absorption period

	Amount	Mills per kilowatt-hour at switchboard	Mills per kilowatt-hour in power market
Average annual interest.....	\$506,000	0.249	0.283
Average annual payment.....	854,000	.237	.270
Operation and maintenance.....	500,000	.139	.158
Total.....	2,250,000	.625	.711

Cost of Boulder Dam power in power market, including all costs of all-American canal, 3.751 mills per kilowatt-hour.

Mr. HAYDEN. It will be observed that Mr. Malone based all of his figures upon an estimate that the cost of the all-American canal would be not more than \$31,000,000, as stated in a report made by the Secretary of the Interior on the Swing-Johnson bill as introduced in the Sixty-ninth Congress. I am at a loss to understand why Secretary Work failed to include in his estimate the \$10,941,000 which it will cost to convey water to Coachella Valley. The text of the bill clearly and explicitly states that such a canal is to be built, and the engineers of the Interior Department had previously submitted reports that this extra amount was needed.

Unfortunately, Mr. Malone accepted the report of the Secretary of the Interior at its face value. He should have used \$42,000,000 as the basis for his calculations, and in that event it is obvious that he would have found that the all-American canal subsidy in the original Swing-Johnson bill is almost 1 mill per kilowatt-hour instead of a little over seven-tenths of a mill. The practical effect of the committee amendment, therefore, is to make it possible for the Federal Government to sell Boulder Canyon power at a mill a kilowatt-hour cheaper than would have been possible under the bill as introduced by the senior Senator from California on December 8, 1927.

It was undoubtedly the intention of the Committee on Irrigation and Reclamation to eliminate this subsidy. The Senators who compose that committee clearly understood that the landowners of the Imperial and Coachella Valleys should pay for their own canal upon the same terms and conditions as are imposed on other farmers under Federal reclamation projects. But has the committee fully accomplished its purpose? Has it eliminated the subsidy and removed this burden upon power generated at Boulder Canyon?

The senior Senator from Arizona [Mr. ASHURST] and I both doubt it. For that reason we prepared amendments to the bill to remove all uncertainty. Our doubts have been confirmed by a letter recently received from Mr. John L. Gust, of Phoenix, Ariz., attorney for the Salt River Valley Water Users' Association, than whom there is no more able water lawyer in the whole United States. Mr. Gust says:

The bill makes the entire project a single unit. As long as this is true the proposed irrigation development in southern California will be carried by the power development in Arizona and Nevada. The door is wide open under the reclamation law to allow the payments from the lands to become delinquent and use up the power receipts to make up the payments. I am satisfied that under this bill as it now stands it will be possible for the Secretary of the Interior to use up the total power receipts in the payment of the construction charges, and call upon the owners of the lands in the Imperial Valley for very little of the construction charges, and because of the unfavorable financial situation in which the Imperial project is likely to be, pressure will be brought upon the Secretary of the Interior to secure reimbursement to the United States out of the power receipts, rather than from the Imperial Valley lands. In my opinion there is no way of obviating this situation unless the appropriations for the power dam and for the all-American canal are distinctly separated in the bill or there is inserted an express provision that the all-American canal should pay its own way.

Mr. President, in order to accomplish what I think would be the best method of amending the bill, I suggest that there be stricken from it all of these so-called bookkeeping provisions and that on page 4, line 25, there be substituted in lieu thereof the following language:

Provided, That all sums expended on said Boulder or Black Canyon Dam shall be repaid to the United States with interest until paid at 4 per cent per annum from the year in which the expenditures are made, the total amount of principal and interest due on the 1st day of December of the second year after the announcement by the Secretary of the Interior that said dam has been completed shall be reimbursed to the United States in annual amortized payments of principal and interest during the succeeding 41 years.

The idea I have sought to express by this amendment is taken directly from an act of Congress approved June 7, 1924, wherein \$5,500,000 was authorized for the construction near San Carlos, Ariz., of what is now known as the Coolidge Dam. The money appropriated by Congress for the construction of that dam bears interest at 4 per cent per annum, just as it is provided in this bill that moneys advanced for the construction of the Boulder Canyon Dam shall bear interest at that rate. I shall read the provision of the act of June 7, 1924, which provides for the payment of interest:

SEC. 3. The Secretary of the Interior shall by public notice announce the date when water is available for lands in private ownership under the project, and the amount of the construction charge per irrigable acre against the same, which charge shall be payable in annual installments, the first installment to be 5 per cent of the total charge and be due and payable on the 1st day of December of the third year following the date of said public notice, the remainder of the construction charge, with interest on deferred amounts from date of said public notice at 4 per cent per annum, to be amortized by payment on each December 1 thereafter of 5 per cent of said remainder until the obligation is paid in full.

In other words, the interest payment is 4 per cent, the amortization payment is 1 per cent, and that 1 per cent will pay the debt in 41 years, as any amortization table will show. That is the method pursued in the cases of many loans under the Federal farm loan act.

If, however, it should be determined that these bookkeeping provisions are to be retained in the bill—although I am frank to say that I can see no further use for them—the measure must be amended in another way to make it certain that the all-American canal subsidy has been eliminated. I demonstrated, when I addressed the Senate on the 2d day of May, the Treasury Department has no difficulty in keeping accounts with respect to the San Carlos project. Neither would there be any difficulty with respect to the Boulder Dam project, and to specify just how an account should be kept, or naming it, is really a vain and useless thing. If the proponents of this bill insist that such an account must be specified in the bill, then I suggest that the

bill be amended so as to provide that this "Colorado River Dam fund" shall apply only to the Boulder or Black Canyon Dam and to the power plant, if constructed. I therefore offer the following amendments, which I ask to have read by the clerk.

The PRESIDING OFFICER. The clerk will read.
The Chief Clerk read the amendments, as follows:

Amendment intended to be proposed by Mr. HAYDEN to the bill (S. 728) to provide for the construction of works for the protection and development of the lower Colorado River basin, for the approval of the Colorado River compact, and for other purposes, viz: On page 22, line 3, insert the following:

"SEC. 15. This act shall be without prejudice to the negotiation of a treaty with Mexico affecting the waters of the Colorado River, which treaty may provide for the payment of compensation to the United States of Mexico for the lease to the United States of America of an area or zone of land sufficient for the construction, operation, and maintenance of a canal to convey water diverted from the Colorado River at Laguna Dam for the irrigation of lands in the State of California, upon terms and conditions similar to the lease of certain lands for canal purposes, as provided in the treaty of November 18, 1903, between the United States of America and the Republic of Panama. Said treaty may also provide for an agreement between the two nations respecting the construction and maintenance of levees."

Amendment intended to be proposed by Mr. HAYDEN to the bill (S. 728) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes, viz: On page 2, line 17, insert the following:

"Provided further, That said canal connecting the Laguna Dam with the Imperial and Coachella Valleys in California shall not be constructed through the sand dunes between Pilot Knob and the Imperial Valley in the event that an existing contract or concession made by the Republic of Mexico to a corporation to build and operate a canal through Mexican territory to irrigate land in California can, within a reasonable time, be modified to protect the interests of the United States."

Amendment intended to be proposed by Mr. HAYDEN to the bill (S. 728) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes, viz: On page 3, line 5, after the word "act," insert the words "relating to said Boulder or Black Canyon Dam and power plant."

On page 3, lines 5 and 6, strike out the words "carrying out the provisions of this act" and insert in lieu thereof the words "connection with said dam and power plant."

Amendment intended to be proposed by Mr. HAYDEN to the bill (S. 728) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes, viz: On page 5, line 19, strike out all of paragraph (b), down to and including the word "act," on page 6, and insert in lieu thereof the following:

"(b) Before any money is appropriated for the dam at Black Canyon or Boulder Canyon, and/or for the hydroelectric plant at or near said dam authorized by this act, or any construction work thereon done or contracted for, the Secretary of the Interior shall make provision by contract, in accordance with the provisions of this act, for the right to the use of water and appurtenant works and privileges necessary for the generation and distribution of hydroelectric energy, and/or for the sale of a sufficient amount of the electrical energy to be developed at the plant aforesaid, and for the storage of water for irrigation and domestic purposes, adequate in his judgment to insure payment of all expenses of operation and maintenance of said dam and power plant and incidental works incurred by the United States and the repayment within 50 years from the date of the completion of such works of all amounts advanced for such purposes to the fund under subdivision (b) of section 2, together with interest thereon made reimbursable under this act."

Amendment intended to be proposed by Mr. HAYDEN to the bill (S. 728) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes, viz:

On page 7, line 1, after the word "the" strike out the word "payments" and insert the following: "repayments."

On page 7, line 2, after the words "section 4," insert the following:

"Provided, That all such contracts to insure the repayment of all amounts advanced for the construction of the canals and appurtenant structures authorized by this act, and to insure the payment of all expenses of operation and maintenance of said canals and appurtenant structures incurred by the United States, shall conform to the requirements of the reclamation law and shall attach and relate solely to the lands coming under and benefited by such canals and appurtenant structures, and no obligation or burden for the repayment of the amounts advanced for the construction of such canals or appurtenant

structures or for the payment of expenses of the operation and maintenance thereof shall be imposed upon the revenues derived from the use of water and appurtenant works and privileges necessary for the generation and distribution of hydroelectric energy and/or the sale of hydroelectric power and/or the storage of water as provided for in this act."

Amendment intended to be proposed by Mr. HAYDEN to the bill (S. 728) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes, viz:

On pages 3 and 4, strike out all of section 2.

On page 4, line 25, insert the following:

"Provided, That all sums expended on said Boulder or Black Canyon Dam shall be repaid to the United States with interest until paid at 4 per cent per annum from the year in which the expenditures are made; the total amount of principal and interest due on the 1st day of December of the second year after the announcement by the Secretary of the Interior that said dam has been completed shall be reimbursed to the United States in annual amortized payments of principal and interest during the succeeding 41 years."

The PRESIDING OFFICER. The amendments will lie on the table and be printed.

Mr. HAYDEN. Mr. President, these amendments are not offered in any spirit of controversy. They are presented for the careful consideration of the Senators from California. I have no pride of opinion with respect to these proposals. If the Senators from California can find a better way to make it certain that the same object will be accomplished, I hope that they will not hesitate to suggest the necessary changes in the pending bill.

ALL-AMERICAN CANAL MUST BE CONSTRUCTED

The all-American canal must be constructed if the waters which are to be impounded in the Boulder Canyon reservoir are to be used in the United States rather than in Mexico. The sooner it is built the better, particularly that part of it from Laguna Dam to Pilot Knob, near the Mexican boundary line. The weir which is now maintained to divert water into the Imperial Canal through the Rockwood gates at Hanlon's heading, is a constant menace to the Yuma reclamation project, so that the point of diversion must be changed upstream to Laguna Dam.

However, in fairness to the Senate, I should frankly state that I do not believe that the proposed all-American canal will ever be built through the sand dunes along the international border. The estimated cost of that section of the canal is about \$10,000,000, and a number of competent engineers have asserted that it can not be constructed for that amount. These engineers also say that the wind-blown sand will so fill the canal, if it is built, that it will become useless as a means of conveying irrigation water. Every Senator has seen moving pictures of turbaned Hollywood sheiks who are supposed to be in the wilds of Arabia or the Sahara Desert. The shifting sand dunes where these movies are photographed are the very sand dunes through which this proposed all-American canal must pass.

I desire to read from the proceedings of the American Society of Civil Engineers for November, 1924. I shall read extracts from a paper presented by a member of that society, Mr. J. C. Allison, who was, I believe, for a number of years employed as an engineer by the Imperial irrigation district, and who now, I understand, is similarly employed by those who are using water from the Colorado River for the irrigation of lands in old Mexico. Mr. Allison states with respect to the all-American canal:

The engineering profession is making a grave mistake in sanctioning, without protest, the building of a nationally known work on the location adopted for this so-called all-American canal, especially without a more complete understanding of the necessities making such an enterprise even worthy of consideration. Although the engineers engaged in the design of this work have protested its limitation within the United States their protest has not been so strong as to prevent the politicians and selfish interests from passing quickly over it and proclaiming the location of the canal as one freely chosen and sanctioned by the engineering profession. Thus, they have gained the confidence of the public, and through this confidence have nearly succeeded in securing Government financing through what is known as the Swing-Johnson bill. Just as surely as the promotion of the project has been tied to the engineers of the country, just that surely will its construction failures be fastened to the engineers unless they examine forthwith in detail all phases of the project and proclaim their findings in no uncertain terms. Then, if such a work is ever financed and built, it may be known as a political necessity and not as a sound engineering structure.

The so-called all-American canal, designed to replace the main canal of Imperial Valley now running through Mexico, should not be built

on any of the hypotheses set forth by its sponsors for the following reasons:

1. It does not add 1 acre of land to irrigation that can not otherwise be added at much less expense per acre and in greater acreage.
2. It does not add one drop of water to the available supply, but, on the other hand, represents an extravagant waste through seepage and evaporation losses.
3. It does not add one unit of power, but develops less electrical energy for the uses of the American lands than can be developed by the other means suggested herein.
4. If at all a necessity, it must be a political necessity, and this political necessity is set up by its advocates as the principal reason for its construction. The fact of the present canal being in Mexico is the main reason advocated for the building of a duplicate canal on American territory. The principle, however, is unsound because, as will be shown, Mexico as a water customer is of strict financial value to the American users of water, and, as an ally and neighbor in the use of water, is of great political value in the project. As a matter of fact, the new project does not in any sense relieve the owners of the present Mexican canal from maintaining their flood and irrigation works.
5. Above all, the construction and the maintenance difficulties and the prohibitive expense of the all-American enterprise warrants a most careful examination before it shall receive the indorsement of the society in any form.

After describing the all-American canal from the Laguna Dam to a point near the Mexican boundary line, Mr. Allison said:

It is proposed, from Pilot Knob westerly, to construct the all-American canal in a cut ranging from 40 to 160 feet in depth, through 20 miles of high mesa land and 12 miles of the most extensive drifting sand hills in America along the approximate route of the spectacular California State Highway between Yuma and Imperial Valley. Along this same approximate route is constructed the power line of the Southern Sierras Power Co.; its experience alone in maintaining 12 miles of line should be enough to weaken the determination of the most enthusiastic supporters of an all-American canal. One day 30-foot power poles are covered to the wires with sand and the next day undermined by a 24-hour sand storm.

To build a canal through this section is in itself a most infeasible exploit, not only because of the difficulties of excavation and original construction, but also on account of the hazards and maintenance expense afterwards. * * *

Continuing to read further from the statement made by Mr. Allison, I direct the particular attention of the Senate to the following representations which he makes:

Assuming the all-American canal to be built, the next consideration concerns its future maintenance. The very fact that the stream is in a cut 50 feet below the floor of the mesa itself, with crowning sand hills of heights ranging to 100 feet above the floor, makes it absolutely certain that the cut itself will receive and hold the entire volume of sand drifted to it by each storm. Where the sand drift passes across the country without interruption, oftentimes a pass through the sand hills, such as the Government pass, in which part of the canal is located, can remain fairly open; but where the passage is deliberately interrupted by a cut having a flowing stream at its bottom, then all the sands must necessarily enter and remain in this excavation. * * *

The borings taken along the route of the proposed canal indicate porous strata in the canal prism. Especially with the Boulder Canyon Dam built and with some relief from the silt thrown into the canals as at present, this prism can not possibly seal itself. The water losses from seepage, as estimated from the losses occurring in the present East High Line Canal through similar sections of material, will amount to 27 per cent unless the canal is lined with concrete. This loss is prohibitive not only because of the interference in regulating the supply to the land about 150 miles distant, but more particularly because the very water lost to the all-American canal will mean the ruination from saturation of all the low-lying lands along the section of the country through which it passes.

As an alternative, lining the canal with concrete or tunneling the sand hills is impractical, principally because the section must be constructed for the maximum irrigation requirement immediately, as it will be difficult to enlarge. As it may be 20 years before the entire capacity will be demanded for irrigation, the additional investment at present is prohibitive.

However, the main objection to the location of such a canal is the uncontrollable elements injected into the problem in deliberately cutting and maintaining a waterway through the very heart of a desert mesa region, capped with drifting sand dunes. By means of studies herein discussed, these mammoth sand dunes are easily recognized as similar in size and construction and in the phenomena governing their movement, to the most extensive types the world over. As the welfare of thousands of souls in the oasis of the great Sahara Desert, where prosperous settlements have been overwhelmed and blotted out of existence, is intimately connected with the rate of movement and the mode of accumulation of wind-borne sands, so is the fate of one of the greatest

irrigation regions of the world coupled inseparably with a similar movement of great sand hills on the route of the all-American canal. The lessons taught by engineers and geologists of England, France, and the United States, in their years of study and observation of the sand dune regions of the world, must be applied in this case to avoid disaster in attempting to build the all-American canal.

I am aware that in the minority report reference is made to a statement by Prof. W. F. Durand, in which he denies that there is such a menace as has been set forth by Mr. Allison with respect to filling the canal by drifting sands. I can only say that Professor Durand is not an impartial engineer. I am informed that he has been employed for many years by the city of Los Angeles as consulting engineer and is, therefore, a partisan supporter of the Swing-Johnson bill. His testimony should not be accepted by the Senate as final and conclusive in any matter relating to that measure.

It seems to me that the only safe way to determine the facts is to follow a suggestion made by the board of direction of the American Society of Civil Engineers, the organization which publishes the bulletin from which I have read. This resolution was adopted on April 24, 1928, and is as follows:

Whereas the Federal Government, acting through various bureaus and departments, is building important structures, some of unprecedented dimensions, on the stability of which depend the security to life and property; and

Whereas such structures are being built under a wide variety of conditions with respect to geology of foundations, rainfall, temperature, floods, etc., necessarily involving exercise of a high degree of judgment as to design, construction, and operation: Be it therefore

Resolved, That the board of direction of the American Society of Civil Engineers recommends that in each case the Federal Government follow the best and established practice of private and corporate work by providing for review of the data, plans, designs, processes, and procedure by a group of engineers that is independent of the governmental organization that has charge of the project.

Resolution adopted by board of direction American Society of Civil Engineers, April 24, 1928, to be incorporated in the code of practice by this society.

Unless I misunderstood the senior Senator from California [Mr. JOHNSON], he now expresses himself as being willing that there should be a review of the previous engineering investigations which have been made with respect to the Boulder Canyon dam. I hope that he will also consent to have a reinvestigation of the all-American canal, particularly that part of it which passes through the sand dunes. My judgment is that he has made a great mistake in not adopting that view long ago. If he had done so, I am quite sure that material progress would have been made with respect to the passage of the pending bill.

In the course of his remarks he has referred to engineering commissions that were appointed to review the work done at Panama by the French before the United States took charge of that canal. President Roosevelt and the Congress at that time did not even dream of undertaking such an important work without a thorough engineering understanding of all the facts. An investigation and review of all the accumulated data relating to the Boulder Canyon project ought to be made, as the board of direction of the American Society of Engineers has suggested, by engineers not connected with the department of the Government which is actively advocating and promoting that project. That is the only way in which the criticisms of Boulder Dam and the all-American canal can be answered.

The senior Senator from Colorado [Mr. PHIPPS] has offered an amendment to the bill to cover that particular point, which I now wish to read:

SEC. —. In order to be assured of the financial, economic, and engineering feasibility of the projects herein authorized or planned the President is hereby authorized to appoint a board of five competent engineers, of outstanding reputation, at least one of whom shall be an engineer officer of the Army, which board shall examine into and review the plans and estimates heretofore made by engineers of the Department of the Interior for the control and utilization of the waters of the Colorado River and report thereon within six months after the approval of this act. The compensation and expenses of said engineers shall be paid out of any money authorized to be appropriated under the authority of this act. No contracts shall be made and no construction work shall be done or contracted for until said board shall have submitted its report to Congress.

The senior Senator from Utah [Mr. SMOOT] has likewise offered an amendment to cover the same subject, which reads as follows:

That the President of the United States is hereby authorized to appoint a board composed of five members, four of whom shall be engineers of high standing and national reputation in their profession, two from

the Corps of Engineers, United States Army, and two from civil practice, and the chairman of said board shall be a business executive. None of the members of said board shall be a resident of either of the States of Wyoming, Colorado, Utah, New Mexico, Nevada, Arizona, or California. The said board shall examine into and investigate the Colorado River for the purpose of making recommendations to the President as to the most feasible method and the cost of obtaining flood control of the waters thereof and as to a comprehensive plan of development and utilization of the water resources of said river.

SEC. 2. That the Secretary of War is hereby authorized to construct on the Colorado River flood-control structures recommended by and located at a site or sites to be selected by the above-mentioned board.

SEC. 3. That for the purpose of erecting such flood-control structures on the Colorado River and of defraying salaries and expenses of said board as fixed by the President there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$20,000,000, or as much thereof as required, to carry out the provisions of this act.

SEC. 4. That in case the recommendations for flood control include the construction of any dam or dams, the construction of said dam or dams shall not be commenced until the Colorado River compact signed at Santa Fe, N. Mex., November 24, 1922, shall have been ratified by the States of Wyoming, Colorado, Utah, New Mexico, Nevada, Arizona, and California and have been approved by the Congress of the United States, or until all of said States shall have agreed by compact approved by the Congress of the United States that no title to waters which may be stored by such flood-control dam or dams shall be acquired in excess of present perfected rights.

The amendment offered by the Senator from Colorado [Mr. PHIPPS] would evidently permit a further investigation of the desirability of constructing the all-American canal through the California sand dunes.

In that connection, I desire to read from a report submitted by the original board of engineers which recommended, as a last resort, the construction of a canal of that character. The board consisted of Dr. Elwood Mead, Mr. W. W. Schlecht, and Mr. C. E. Grunsky, and its report is dated June 17, 1919. The board says:

Due to the unfortunate location of the boundary line the United States has no jurisdiction over the territory in which the flood menace to Imperial Valley lies. Mexico seems impotent to cope with the situation, or at any rate appears to take no note of the urgency and seriousness of the situation as we are endeavoring to sketch it. In such circumstances the Imperial Valley, or more particularly the Imperial Irrigation district, representing the largest organized interests in the valley, has been constrained to construct and maintain at large cost extensive protective works on foreign territory.

These facts are recited because the usefulness of an all-American or any other canal for the irrigation of lands in the Imperial Valley would soon be in large measure destroyed if adequate protection is not had against the danger from the south which threatens the area already under irrigation. This danger, moreover, will continue to grow so long as the Colorado River is allowed to run wild in the Volcano Lake region. It is evident that the problem of irrigation in the Imperial Valley is interwoven with the other problem of protection against the river at its high stages.

"If the United States and Mexico were cooperating on lower Colorado River problems this board would not now find itself embarrassed by being denied the opportunity to survey and propose other possible high-line canal routes than such as are wholly on United States territory. To the westward of Pilot Knob the mesa slopes to the southward and southwestward. It breaks off in a comparatively steep slope a few miles to the southward of the international boundary. It is known that a canal without material sacrifice in water surface elevation could be placed on lower ground than north of boundary by swinging the canal line across the boundary. It is not known definitely what the material advantage of such a location would be, though old surveys and a partial reconnaissance indicate that a reduction in excavation to the extent of about 10,000,000 cubic yards might be expected.

The board concludes its report with this recommendation:

RECOMMENDATION

Negotiations should at once be entered into, through appropriate channels, to bring about an understanding with Mexico, in reference to the control of the Colorado River at its high stages on Mexican territory and in reference to the use of the river's water for irrigation in Mexico, and also to permit the United States to construct canals for the irrigation of lands in California across Mexican territory, if found desirable to so locate them.

I do not know what the expense would be to move 10,000,000 cubic yards of earth, but it undoubtedly would cost a considerable sum. As the very board that recommended the construction of the all-American canal said, if it were possible to slightly extend the Imperial and Coachella Valley canal into Mexico, around the end of the sand dunes, and save that much of the

excavation, a material saving would result. So far as I am concerned, for the use of that Mexican territory I would be willing to compensate Mexico to at least the extent of one-half of the saving. I have personally visited the area of land that would be used in Mexico by carrying a canal around in the manner suggested. It is now a bare, open desert, which is utterly worthless, and yet it has a strategic value for which the United States could well afford to pay if it would save the excavation of 10,000,000 cubic yards of earth.

Such a matter, of course, can only be arranged by a treaty between the two Governments, and commissioners have been appointed to negotiate a treaty affecting the boundary waters between the two Republics.

INTERNATIONAL RIVERS TREATY WITH MEXICO

By authority of the act of May 13, 1924 (43 Stat. 118), the President appointed Maj. Gen. Lansing H. Beach, United States Army, retired; Mr. W. E. Anderson, of Texas, a civil engineer; and Dr. Elwood Mead, of California, Director of the United States Reclamation Service, as commissioners to negotiate a treaty or convention with the United States of Mexico for an equitable apportionment of the water of the Rio Grande River. The jurisdiction of this commission was extended by the last Congress to include the Colorado River, so that a division of the waters of both streams between the two nations might be accomplished in the same treaty. The Mexican Government last September appointed Gustavo P. Serrano, Federico Ramos, and Javier Sanchez Mejorada commissioners to meet with those appointed by our Government, and negotiations are in progress.

I am not personally acquainted with any of the Mexican commissioners, but friends of mine who know them tell me that they are all gentlemen of culture who are fully qualified by wide experience adequately to speak for the Republic which they have the honor to represent in these important international negotiations.

Negotiations for a treaty or convention with Mexico were under way in 1910, just at the close of the Diaz régime in that country. The negotiations were interrupted by the Madero revolution.

Mr. Louis C. Hill, then a division engineer of the United States Reclamation Service, was appointed to act on behalf of the American Government. Mr. Fernando Beltran y Puga was the Mexican commissioner.

I have here a letter written to the Secretary of State by Mr. Hill, in which he describes the progress that had been made in these negotiations up to the time when they were interrupted by the revolution in Mexico. The letter is dated Los Angeles, Calif., March 26, 1923, and is addressed to Hon. Charles E. Hughes, Secretary of State, Washington, D. C. I read the letter as follows:

LOS ANGELES, CALIF., March 26, 1923.

Hon. CHARLES E. HUGHES,

Secretary of State, Washington, D. C.

MY DEAR MR. SECRETARY: Having read in a recent CONGRESSIONAL RECORD Secretary Fall's and your letters on the Colorado River compact, it may be of interest to your department to know what was informally agreed upon as fair to both countries by the Mexican Commissioner for the Division of the Waters of the Colorado and myself, then American commissioner.

The revolution in Mexico prevented any formal recommendation by the commissioners to their respective Governments. The tentative agreement was about as follows:

(1) Mexico and the United States to abrogate such parts of the treaty of Guadalupe Hidalgo as conflicted.

(2) The two Nations to divide the low-water flow of the Colorado equally between them. (Mexico's share of this would be less than 1,500 second-feet and hence less than will irrigate the lands in Mexico now irrigated by Colorado River.)

(3) The United States to build reservoirs if it so desires to impound all the remaining water of Colorado River for the purposes, among others, of irrigating all the land which can be irrigated by Colorado River waters either by gravity or by pumping.

(4) That Mexico be permitted by paying her pro rata part of the cost of the reservoirs and their operation to have the use of such remaining water as can not be utilized in the United States.

This was considered by the Mexican representative as a most fair and friendly proposal.

It gave to Mexico nothing the United States could use but at the same time shared with Mexico the storage facilities on the upper river, facilities which do not exist in Mexico.

Very respectfully,

L. C. HILL.

Mr. President, the arrangement reported by Mr. Hill, the American commissioner, in his letter to Secretary Hughes should be entirely satisfactory to both nations. It equitably divides,

in fact, equally divides, the normal or low flow of the Colorado River between the two countries. The United States Government would be authorized, under such a proposed treaty, to store all the flood waters of the Colorado River in the United States for use within our own country, but if it were demonstrated that more water had been impounded than could be used in the United States, then Mexico might have her fair share of the waters by paying the proportionate cost of storage. If a treaty of that kind could be negotiated it would completely settle all of the so-called controversies between the United States and Mexico with respect to the Colorado River. I sincerely trust that the commissioners who are now trying to work out a settlement may arrive at one which will be as fair and equitable to the two nations as the one that was proposed in 1910, which would undoubtedly have been consummated but for the revolution in Mexico.

In his report on the Swing-Johnson bill, dated January 18, 1926, Hon. Hubert Work, Secretary of the Interior, said with reference to the all-American canal:

The necessity for the all-American canal and the size and cost of this canal depend largely on whether the existing concession under which water is now diverted from the Colorado River at Hanlons Heading and carried through Mexico to irrigators in the Imperial Valley can not be modified. If it can not be, then the all-American canal becomes an indispensable part of this development. * * *

If, however, the Government of Mexico would consent to a modification of this concession and definitely limit the volume of water to which Mexican irrigators would be entitled, then the future use of the present canal would be economical and desirable, a smaller high line could be built and utilized mainly for the irrigation of the higher lands of the Imperial and Coachella Valleys. Thus far, no negotiations for the modification of this concession have been made. It is not known what the attitude of the Mexican Government would be, and plans for this development should, therefore, include provision for an all-American canal as an essential part of the scheme.

In a letter dated February 10, 1926, addressed to the chairman of the House Committee on Irrigation and Reclamation, the Secretary of the Interior recommended the following amendment which could be inserted on page 2, line 3, of the present bill:

After the word "California" insert: "Provided, An existing contract or concession made by the Republic of Mexico to a corporation to build and operate a canal through Mexican territory to irrigate land in California can not, within a reasonable time, be modified to protect the interests of the United States."

Instead of adopting this sane and sensible recommendation, the bill as reported, gives the Secretary no discretion, and no means of reaching an agreement with Mexico on this important matter is even suggested.

The recommendation made by Secretary Work was proper and should have been adopted. Through it, perhaps by contributing a part of the savings to Mexico, it might be possible to negotiate a treaty with that country whereby the present main canal which supplies the Imperial irrigation district may continue in use with no expense for new construction. Either that could be done, or, as I have heretofore suggested, the all-American canal could be extended into Mexico for a few miles from Pilot Knob, just a sufficient distance to go around the southern end of the sand dunes. The situation could be met by a treaty similar to that made with the Republic of Panama on November 18, 1903, whereby the United States secured all the control necessary or essential over a zone 10 miles wide, through which was afterwards constructed the Panama Canal, but the technical sovereignty over the soil remains in the Isthmian Republic.

I have been told, Mr. President, that there is in the constitution of the United States of Mexico a provision which prohibits the President or the authorities of that Republic from in any manner entering into any treaty disposing of any of the territory of the Republic. Whether that is true or not, I do not know; but if it is true, there need be no violation of the Mexican constitution if the precedent which was adopted at Panama be followed.

I have here extracts from the treaty between the United States and the Republic of Panama, proclaimed February 26, 1904, wherein the United States obtained the right to construct the Panama Canal. Article II reads:

ARTICLE II

The Republic of Panama grants to the United States in perpetuity the use, occupation, and control of a zone of land and land under water for the construction, maintenance, operation, sanitation, and protection of said canal of the width of 10 miles, extending to the distance of 5 miles on each side of the center line of the route of the

canal to be constructed; the said zone beginning in the Caribbean Sea 3 marine miles from mean low-water mark and extending to and across the Isthmus of Panama into the Pacific Ocean to a distance of 3 marine miles from mean low-water mark, with the proviso that the cities of Panama and Colon and the harbors adjacent to said cities, which are included within the boundaries of the zone above described, shall not be included within this grant. The Republic of Panama further grants to the United States in perpetuity the use, occupation, and control of any other lands and waters outside of the zone above described which may be necessary and convenient for the construction, maintenance, operation, sanitation, and protection of the said canal or of any auxiliary canals or other works necessary and convenient for the construction, maintenance, operation, sanitation, and protection of said enterprise.

The Republic of Panama further grants in like manner to the United States in perpetuity all islands within the limits of the zone above described and in addition thereto the group of small islands in the Bay of Panama, named Perico, Naos, Culebra, and Flamenco.

ARTICLE III

The Republic of Panama grants to the United States all the rights, power, and authority within the zone mentioned and described in Article II of this agreement and within the limits of all auxiliary lands and waters mentioned and described in said Article II which the United States would possess and exercise if it were the sovereign of the territory within which said lands and waters are located to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power, or authority.

It will be noted that this treaty does not provide for a cession of territory to the United States. The technical sovereignty of the soil remains in Panama, but the United States has such rights as it would have if it were sovereign. If the Panama Canal were ever abandoned by the United States it would automatically revert to the Republic of Panama.

For the purpose of constructing a canal to avoid the California sand dunes a similar treaty might be negotiated with Mexico. The United States of America might well afford to pay to the United States of Mexico compensation for the use of such lands in Baja California, to the extent at least of a part of the saving that would be made by keeping the all-American canal out of sand dunes.

In order that the recommendation made by the Secretary of the Interior, Doctor Work, with respect to a change in this bill may be carried out, I now offer the amendment which I send to the desk and ask to have read.

The PRESIDENT pro tempore. The amendment will be received, read, printed, and lie upon the table.

The CHIEF CLERK. On page 2, line 17, it is proposed to insert:

Provided further, That said canal connecting the Laguna Dam with the Imperial and Coachella Valleys in California shall not be constructed through the sand dunes between Pilot Knob and the Imperial Valley in the event that an existing contract or concession made by the Republic of Mexico to a corporation to build and operate a canal through Mexican territory to irrigate land in California can, within a reasonable time, be modified to protect the interests of the United States.

Mr. HAYDEN. Mr. President, in order to carry out the further suggestion that I have made with respect to the negotiation of a treaty with the United States and Mexico for the privilege of constructing and operating a canal in that Republic, I offer the amendment which I send to the desk and ask to have read.

The PRESIDENT pro tempore. The amendment will be received, read, printed, and lie upon the table.

The CHIEF CLERK. The Senator from Arizona offers the following amendment: On page 22, line 3, insert the following:

SEC. 15. This act shall be without prejudice to the negotiation of a treaty with Mexico affecting the waters of the Colorado River, which treaty may provide for the payment of compensation to the United States of Mexico for the lease to the United States of America of an area or zone of land sufficient for the construction, operation, and maintenance of a canal to convey water diverted from the Colorado River at Laguna Dam for the irrigation of lands in the State of California, upon terms and conditions similar to the lease of certain lands for canal purposes, as provided in the treaty of November 18, 1903, between the United States of America and the Republic of Panama. Said treaty may also provide for an agreement between the two nations respecting the construction and maintenance of levees.

Mr. HAYDEN. In order to complete the record, I desire to read a copy of a memorial adopted by the governors of the seven States of the Colorado River Basin at the Denver conference, addressed to the President of the United States and to the honorable the Secretary of State. It is as follows:

Memorial concerning international relations respecting the Colorado River, adopted at seven States conference on the Colorado River in Denver

To the Hon. CALVIN COOLIDGE,
President of the United States of America, and
The Hon. FRANK B. KELLOGG,
Secretary of State.

Whereas the prosperity and growth of the Colorado River States, namely, Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming, are dependent upon present and increasing use of the waters of the Colorado River for domestic, agricultural, industrial, and other beneficial purposes, and the need of many regions of these States for additional water from that source already is extremely acute and will become increasingly so; and

Whereas said river is an international stream between the United States of America and the United States of Mexico with all of the water supplying the same coming from the United States of America, and the United States of Mexico is rapidly extending the irrigated area supplied from said river within her own boundaries, and great storage projects within the United States of America are in existence and in contemplation; and

Whereas said United States of Mexico, although having no strictly legal right to a continuance of the river flow for beneficial purposes, nevertheless may hereafter make some claim thereto; and

Whereas under acts of Congress of May 13, 1924, and March 3, 1927, a commission of three has been appointed by the President to co-operate with representatives of the United States of Mexico in a study regarding the equitable use of the waters of the Colorado River and other international waters for the purpose of securing information on which to base a treaty relative to international uses:

Now, therefore, and to the end that no unfortunate misunderstanding may arise between the United States of America and the United States of Mexico, and that no false encouragement may be given to present or future developments along the Colorado River in the United States of Mexico, we, the governors of all seven of the Colorado River States, with our interstate river commissioners and advisors in conference assembled in the city of Denver on this 26th day of August, 1927, do hereby in great earnestness and concern make common petition that a note be dispatched to the Government of the United States of Mexico calling attention of that Government to the fact that neither it nor its citizens or alien investors have any legal right as against the United States of America or its citizens to a continuance of the flow of the Colorado River for beneficial purposes and that the United States of Mexico can expect no such continuance except to the extent that, as a matter of comity, the two Governments may declare hereafter by treaty and that especially under no circumstances can the United States of Mexico hope to use water made available through storage works constructed or to be constructed within the United States of America, or hope to found any right upon any use thereof. We believe, too, so great are the water necessities of our States, that any adjustment made with the United States of Mexico concerning the Colorado River should be based upon that river alone. We further earnestly suggest that a special commission be created by act of Congress for the Colorado River alone, a majority of the commission to be appointed from citizens of the Colorado River States, or that by act of Congress the present commission already referred to be enlarged to contain two additional members to come from the Colorado River States.

It is only by such precautionary measures, promptly taken, that our seven States with their millions of people can be given a basis of economic certainty, adequate protection, and a feeling of security pending the negotiation of an early treaty between the two Governments.

And your memorialists will forever pray.

GEO. W. P. HUNT,
Governor of Arizona.
C. C. YOUNG,
Governor of California.
WM. H. ADAMS,
Governor of Colorado.
F. D. BALZAR,
Governor of Nevada.
R. C. DILLON,
Governor of New Mexico.
GEO. H. DERN,
Governor of Utah.
FRANK C. EMERSON,
Governor of Wyoming.

I am happy to say that one of the amendments recommended by the Senate Committee on Irrigation and Reclamation in a large measure cares for the principal purpose of this resolution.

Inasmuch as the senior Senator from California has taken occasion to discuss the origin of flying machines and other inventions in connection with the Boulder Canyon Dam, I hope

that no one will take offense if I digress for a short time from the direct course of my argument in order to bring into the record some historical facts which may help Senators to have a better understanding of the background of the controversy which has so long plagued us.

First, there is the question of how long it has been since the Colorado River flowed into the Salton Sea. Geologists tell us that many thousands of years ago the Colorado River cut off the upper end of the Gulf of California with a dam of silt and thus created the Salton Sink, of which the Imperial and Coachella Valleys are a part. The earliest record that I have found is in the following statement from the History of the North Mexican States, by Hubert H. Bancroft, Volume I, pages 541 to 543:

Capt. Fernando Sanchez Salvador, acting in an official capacity, the exact nature of which does not appear, but who had evidently traveled and observed much in the north, addressed four consultas, or representations to the king on the condition and needs of Sinaloa and Sonora, the last bearing the date of March 2, 1751. * * *

The fourth and last of these interesting and ably prepared papers is devoted to the far north, to the region of the Colorado and of California—of the former as a most desirable field for settlement, and especially as the only medium for colonizing the latter. His views on the subject are for the most part similar to those of others of the time and need not be repeated here; but one somewhat astonishing peculiarity should be noticed. He advances the theory that the Colorado before reaching the Gulf throws off a branch to the westward, which flows into the Pacific between Monterey and Point Conception, and is doubtless identical with the Rio Carmelo of Cabrera Bueno! It will furnish an easy means of communication with the coast.

His theory was perhaps founded on a report of the natives, who in 1748 told Padre Sedelmair, when on the Colorado above the Gila, that if he crossed the river and went northwest, he would in two days come to the same river where it flowed from east to west.

I am convinced that the Yuma Indians told the truth to this early Spanish explorer, and that the Colorado River was at that time flowing into the Salton Sea, as it had done many times before, and as it has done since; but this apparently is the earliest historical record of that fact. I understand that an extensive investigation is to be made in the Archives of the Indies in Seville, Spain, for early historical material relating to the Southwest, and I hope this fact as stated by the historian Bancroft may be verified.

ADMITTING THE GULF OF CALIFORNIA TO SALTON SINK

Another proposal that has been made is that it would have been better, before the settlement of the Imperial Valley, if the Gulf of California might have been permitted to return to its ancient bed in the Salton Sink, and that to do so would have a very beneficial effect upon the climate. The first record I can find in print of that suggestion is in the report of John C. Frémont, Governor of Arizona, to Hon. Carl Schurz, Secretary of the Interior, made on November 20, 1879. Mr. Frémont said:

[Report of J. C. Frémont, Governor of Arizona, to Hon. Carl Schurz, Secretary of the Interior, November 20, 1879]

While recently in Washington I suggested for your consideration the expediency of an examination around the head of the Gulf of California, with the object of bringing back the gulf waters to an ancient basin from which they have receded for a time unknown. That the withdrawal of the gulf waters from this basin essentially affected the climate and vegetation of the neighboring region is not a matter of doubt. There are many indications which fairly lead to the impression of a gradual decrease of water and moisture over all the region which was formerly exposed to the influence of the gulf winds from that quarter. This, too, is made probable by the fact of the abundant rainfall and green and habitable country which, I believe, exists wherever the gulf influence reaches. Over the basin the rainfall must be slight. At Prescott, though among mountains, but where the prevailing winds are from this southwest quarter, it is less than 9 inches, while at Tucson, more exposed to the gulf winds, it is 24.

So far as I am informed, Dr. J. P. Widney, of Los Angeles, first made the refilling of the basin a subject of practical inquiry. After several years careful study he published in the "Overland" for 1873, an interesting paper on the flooding of the basin by turning into it the waters of the Colorado River. Doctor Widney examined into the topographic and geologic features of the desert; investigated the climatic peculiarities of the surrounding region and traced the connection between the drying up of the basin and the arid country now found. In this connection he says in the article referred to:

"The yearly evaporation in the Bay of Bengal, as shown by the published proceedings of the Bombay Geographical Society, is more than 16 feet. This portion of the Gulf which is surrounded by high mountains reflecting the sun from their bare sides, shut off from the cool winds of the ocean, its waters shallow and easily heated, must have

been a steaming caldron, keeping the air currents above constantly saturated with moisture. This evaporation, however, estimated at the rate before given, would be enough, if all recondensed and precipitated, to supply 12 inches of rain to 86,400 square miles—more than double the area of the State of Ohio."

I am informed that in the summer of 1873, shortly after the publication of Dr. Widney's paper, Mr. William S. Chapman, of San Francisco, sent out a party at his own expense to examine into the feasibility of the project. I have not learned the result of this reconnaissance except that the engineer in charge, Mr. James, confirmed the reasonableness of the conclusions in the "Overland" article, and further reported an important fact which would appear to greatly lessen the difficulty of turning in the water from the gulf rather than from the river. He reports that he found a lake reaching nearly across the barrier separating the gulf, and that it would only be necessary to cut through the barriers between the lake and the desert on one side and the lake and the gulf on the other. In the winter of 1873-74 numerous signed petitions were forwarded to California Congressmen from Los Angeles, San Diego, and San Bernardino, asking action from the Government on the subject, but it does not appear that it was ever acted on.

In the spring of 1849, returning from an expedition into Arizona and Sonora, I crossed the basin for the first time. In that and the following years the gold of California made this hitherto unknown and uninhabited country a familiar passage into that State. It became, consequently, for years past a subject of much discussion. My attention had been again drawn to it in 1869-70 by surveys looking to San Diego as the terminus of the Southern Transcontinental Railway line, then under my direction, and occupation with Arizona lately revived my interest in the subject. Mr. Charles Crocker, president of the Southern Pacific Railway, has kindly furnished me, through Chief Engineer Col. Geo. G. Gray, with a profile and sketch along that part of the line which passes over the northern end of the basin. From these I have drawn interesting information concerning its extent and depth. As the territory embracing it lies partly in Mexico I submitted the project for its improvement to the Mexican minister at Washington, Mr. Zamacona, with whose earnest efforts to increase trading intercourse between the two countries I had the good fortune to be personally acquainted. He transmitted to his Government a note which I prepared, and, while waiting its decision upon it I am assured of a friendly and comprehending interest from himself in the subject.

With the change of climate that would follow the restoration of the waters there would undoubtedly be a change of vegetation over all this region. Date trees and other varieties of palm might be made to flourish here in a congenial climate, and many trees and plants of commercial value would replace the cactus desert growth. Southward large tracts of land, lying along the lower Colorado and the head of the gulf, are reported to be of strong fertility, peculiarly well suited to hemp, sugar, cotton, and kindred productions. These lands would all be made available. Formerly the Indians of this country grew and manufactured cotton, and lately a variety from Chinese seed, resembling in its staple the sea-island cotton of the Gulf States, has been successfully grown on the San Pedro River. Sugar is already a production in the Salt River Valley, which is 1,800 feet higher and farther north.

The work of redeeming the basin region and turning it to the advantage of the surrounding country would be full of interest if found practicable, and I have dwelt on it in the desire to bring it favorably to your attention. It may be considered a mere speculative idea, but in any event it would require but a small expenditure of money and time to know the facts and dispose of the subject.

This statement by Governor Frémont is but another evidence of the wide variety of subjects which claimed the attention of a man who was not only a great explorer but was also the first candidate for President of the United States to be nominated by the Republican Party.

PROPOSED ANNEXATION OF MOUTH OF THE COLORADO RIVER

On August 3, 1863, Gen. Edward Fitzgerald Beale wrote a letter to Salmon P. Chase, then Secretary of War, excerpts from which are as follows:

I desire most particularly to call your attention to the fact that we have in our power at this time by purchase of Lower California, and a very small portion of the opposite coast, to possess the mouth of the Colorado, destined to be as important to us on the Pacific as is the Mississippi to the Eastern States. If the line of the Gadsden Purchase was straightened instead of being deflected at 111 degrees of longitude, and touched the gulf at the coast, and we should possess ourselves of Lower California, we should then control entirely the navigation of the Colorado, which the future will prove of the utmost importance to the welfare of the Pacific States. * * * You may be sure that those who live after us on this coast will not hold the memory of that administration in high respect which will have allowed a foreign power to collect toll at the mouth of the Mississippi of the Pacific after having lost the opportunity of this acquisition for our own people.

Secretary Chase made the following reply:

TREASURY DEPARTMENT, September 5, 1863.

MY DEAR SIR: Yours of the 5th of August has just reached me. I appreciate as you do the importance of the acquisition you suggest. I fear that the Juarez government is now too entirely broken to warrant negotiations with it, but I will confer with the President and Secretary of State on that subject.

What a pity it is that we neglected our opportunities when the States of Central America were so ready to identify their fortunes with those of the American Union! What a pity it is also that when General Scott took Mexico he did not remain there and establish a protectorate! The timid counsels of the Whig leaders and the fears of the slaveholding oligarchy suppressed a policy which would have prevented all our present troubles so far as French domination in Mexico is concerned.

Yours very truly,

S. P. CHASE.

To E. F. BEALE, Esq.

I am glad to say that, thanks to the efforts and ability of Ambassador Morrow, the relations between the United States of America and the United States of Mexico are now established upon a firm basis of friendship. When Secretary Chase wrote that letter to General Beale, Benito Juarez, the heroic President of Mexico, was engaged in a desperate struggle with the Emperor Maximilian, supported by the French. When the all-American canal board made its report in 1919 Mexico was still suffering from the effects of the Madero revolution which began in 1910.

At this moment no such obstacles exist to a complete accord with the Government of that Republic with respect to the waters of the Colorado River. The present attitude of American people toward Mexico can not be better expressed than in these words by Hon. Charles Evans Hughes in an address delivered at Princeton University on May 12, 1928:

There is not the slightest reason why there should be antagonism between the peoples of the Governments of the United States and Mexico.

It should be understood that there is no desire on the part of our Government to interfere with the domestic policies of Mexico, and that her independence and sovereignty will invariably be respected.

Her interest in the protection of valid rights honestly acquired under her laws is no less than our own. Our interest in her friendship is no less than her interest in ours.

MR. CURTIS. Mr. President—

THE PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). Does the Senator from Arizona yield to the Senator from Kansas?

MR. HAYDEN. For what purpose?

MR. CURTIS. I desire to move an executive session.

MR. HAYDEN. I yield for that purpose.

THE PRESIDING OFFICER. Before entertaining the motion the Chair will lay before the Senate sundry executive communications.

MR. CURTIS. Very well.

ESTIMATES OF APPROPRIATIONS, EXECUTIVE DEPARTMENTS (S. DOC. 124)

The PRESIDING OFFICER laid before the Senate a communication from the President of the United States transmitting estimates of appropriations submitted by the several executive departments to pay claims for damages to privately owned property, in the amount of \$933.57, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

JUDGMENTS BY DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA (S. DOC. NO. 125)

The PRESIDING OFFICER laid before the Senate a communication from the President of the United States transmitting, pursuant to law, records of judgments rendered against the Government by the United States District Court for the Northern District of California, amounting to \$602,308.25, as submitted by the Attorney General through the Secretary of the Treasury, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

JUDGMENTS BY DISTRICT COURT, EASTERN DISTRICT OF PENNSYLVANIA (S. DOC. NO. 126)

The PRESIDING OFFICER laid before the Senate a communication from the President of the United States transmitting, pursuant to law, a record of judgments rendered against the Government by the United States District Court for the Eastern District of Pennsylvania, under the public vessels act, as submitted by the Attorney General through the Secretary of the Treasury, amounting to \$4,452.31, which, with the accom-

panying papers, was referred to the Committee on Appropriations and ordered to be printed.

JUDGMENTS BY THE COURT OF CLAIMS (S. DOC. NO. 127)

The PRESIDING OFFICER laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, a list of judgments rendered by the Court of Claims, which have been submitted by the Attorney General through the Secretary of the Treasury and requiring an appropriation for their payment, amounting to \$1,944,459.73, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

CLAIMS ALLOWED BY THE GENERAL ACCOUNTING OFFICE (S. DOC. NO. 128)

The PRESIDING OFFICER laid before the Senate a communication from the President of the United States transmitting, pursuant to law, schedules of claims amounting to \$108,982.02, allowed by the various divisions of the General Accounting Office, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

EXPENSES, BUREAU OF ANIMAL INDUSTRY (S. DOC. NO. 129)

The PRESIDING OFFICER laid before the Senate a communication from the President of the United States transmitting a supplemental estimate of appropriation for the Department of Agriculture, amounting to \$30,000, for the fiscal year 1929, for animal husbandry investigations, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

EXPENSES UNDER THE NAVY DEPARTMENT (S. DOC. NO. 130)

The PRESIDING OFFICER laid before the Senate a communication from the President of the United States transmitting a draft of proposed legislation making available not to exceed \$20,000 for expenses in connection with research and investigation of safety devices and appliances for submarines during the fiscal year 1929, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

RELIEF OF OFFICERS OF THE FOREIGN SERVICE (S. DOC. NO. 131)

The PRESIDING OFFICER laid before the Senate a communication from the President of the United States transmitting a supplemental estimate of appropriation for the Department of State, amounting to \$9,819.93, for the relief of Joseph C. Grew and other members of the Foreign Service, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

INTERNATIONAL STREET, NOGALES, ARIZ. (S. DOC. NO. 132)

The PRESIDING OFFICER laid before the Senate a communication from the President of the United States transmitting a supplemental estimate of appropriation for the Treasury Department, fiscal year 1928, amounting to \$40,000, for grading and paving International Street, adjacent to Nogales, Ariz., which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

SUPPLEMENTAL ESTIMATES, INDIAN OFFICE (S. DOC. NO. 133)

The PRESIDING OFFICER laid before the Senate a communication from the President of the United States transmitting supplemental estimates of appropriations for the Department of the Interior, Bureau of Indian Affairs, fiscal year 1928, amounting to \$114,200, and proposed authorizations of expenditures of \$51,000 of Indian tribal funds, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

INCREASE OF THE NAVY (S. DOC. NO. 134)

The PRESIDING OFFICER laid before the Senate a communication from the President of the United States transmitting a supplemental estimate of appropriation, fiscal year 1929, amounting to \$200,000, for the increase of the Navy, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

PAVING OF LAFAYETTE EXTENSION ROAD, GA. (S. DOC. NO. 135)

The PRESIDING OFFICER laid before the Senate a communication from the President of the United States transmitting a supplemental estimate of appropriation for the War Department, fiscal year 1928, for the paving of the Government road known as the Lafayette Extension Road, in the State of Georgia, amounting to \$193,500, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

UNITED STATES EMPLOYEES COMPENSATION COMMISSION (S. DOC. NO. 136)

The PRESIDING OFFICER laid before the Senate a communication from the President of the United States transmitting a supplemental estimate of appropriation for the United States Employees Compensation Commission, fiscal year 1929, amounting to \$80,010, for salaries, expenses, printing, and binding, which (with the accompanying papers) was referred to the Committee on Appropriations and ordered to be printed.

PAVING OF HOOKER ROAD, TENNESSEE AND GEORGIA (S. DOC. NO. 137)

The PRESIDING OFFICER laid before the Senate a communication from the President of the United States transmitting a supplemental estimate of appropriation for the War Department, fiscal year 1928, for paving the Government road known as the Hooker Road, Tennessee and Georgia, which (with the accompanying papers) was referred to the Committee on Appropriations and ordered to be printed.

SALARIES, OFFICE OF CHIEF OF ENGINEERS (S. DOC. NO. 138)

The PRESIDING OFFICER laid before the Senate a communication from the President of the United States transmitting a proposed draft of legislation affecting an existing appropriation for the War Department for the fiscal year ending June 30, 1929, for salaries, Office of the Chief of Engineers, which (with the accompanying papers) was referred to the Committee on Appropriations and ordered to be printed.

STANDARDS FOR HAMPERS AND OTHER BASKETS (S. DOC. NO. 139)

The PRESIDING OFFICER laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of Agriculture, amounting to \$7,500, for the enforcement of the act fixing standards for hampers, round stave baskets, and splint baskets for fruits and vegetables, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

RESERVE CORPS OF THE ARMY

Mr. BROOKHART. Mr. President, I ask unanimous consent to have printed in the RECORD the declaration of the National Guard Association of the United States in reference to the proposed organization of a unit in the General Staff with reference to the reserves.

There being no objection, the statement was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

Statement of the National Guard Association of the United States, through its executive council, meeting at Washington, D. C., Thursday, May 17, 1928, as to the attitude of the National Guard toward Senate bill No. 3458 and House bill No. 11683, now pending before Congress.

1. The National Guard has always accepted, deemed adequate, and advocated consistent adherence to the system of military organization for defense set up under the Federal Constitution.

2. In pursuance of this policy, it opposed in 1915 and 1916 the plan of former Secretary of War Garrison for establishing a civilian military force, wholly under Federal control, which plan contemplated the conversion of the National Guard as then organized and officered into a Federal reserve force. This opposition was based upon the ground that the formation of such a force disregarded the safeguards provided under the Constitution for keeping in balance, by limited State control, the military power of the Nation in time of peace, and because the plan for permanently maintaining a large Federally controlled military force was inconsistent with our basic theories of government.

3. For the same reason it opposed the adoption of section 56 of the national defense act of 1916, as originally introduced in the Senate; that section having contained authorization for the formation of a Federal reserve force, to be "organized under such regulations as the Secretary of War might prescribe." In both instances the position of this association was sustained by the action of Congress.

4. The system of military organization prescribed under the national defense act of 1916 was consistent with the militia system of the Constitution. It was put to the severest possible test immediately after its enactment by the mobilization on the Mexican border and a few months later in the World War.

5. One of the lessons of the World War was the importance of trained leadership. In order to retain a nominal connection with officers who had had the experience of World War service, and to provide means by which young men might voluntarily receive training to fit them for duty as commissioned officers, provision was made in the national defense act of 1920 for an Officers' Reserve Corps and for the reserve officers' training camps and the citizens' military training camps. With this program and the development of these agencies the National Guard has been and is in entire sympathy and accord. The National Guard has always cordially supported the essential

features of the national defense act, but it has never believed that any provision of the act would result in reserve units with enlisted strength beyond provision for noncommissioned officers and important specialists. The National Guard has never believed and does not now believe that the reserve officers' training camps and citizens' military training camps were agencies designed to serve the Organized Reserves exclusively, or even primarily. It, therefore, finds difficulty in conceding that these agencies should be administered in a reserve bureau.

6. Since the Officers' Reserve Corps is a component of the Army and since the Army has its established agencies of administration in the War Department, the necessity for the pending bill is not clear in so far as the administration of Officers' Reserve Corps affairs is concerned. If a special bureau or separate agency is required, it would appear that it is within the power of the Secretary of War to provide such an agency without congressional action.

7. The National Guard would not oppose any action for improving the administration and training of the personnel of the Officers' Reserve Corps, nor would it oppose the pending bill were it limited to that purpose. A casual reading of the bill, however, is sufficient to indicate that it has a broader scope, and will have a more far-reaching effect.

8. The pending bill provides for a "reserve division" in the War Department. The purpose of the pending bill, as in the minds of its proponents, is indicated by the fact that new machinery, in addition to that now administering the affairs of the Army, is thought to be necessary and, also, by the statement of one of those who were heard before the Senate Committee on Military Affairs and who spoke of the necessity for enlisting approximately 150,000 men. It may be logically assumed that the step which will follow the enactment of the pending bill will be an effort to organize reserve units with full enlisted complement.

9. In addition to the abandonment of certain principles of military organization heretofore regarded as fundamental to our ideals of government, the contemplated enlistment of so large an additional force must necessarily suggest certain economic problems. For example—the strength of the National Guard was by act of Congress contemplated to ultimately approximate 435,000, but only 190,000 have ever actually been provided for. Appropriations for the support of the guard at this reduced strength are now fixed at the minimum, and it is operating upon a skeletonized and incomplete basis as a measure of economy. These matters are but briefly touched upon here, but further analysis and an estimate of probable results were the pending bill enacted are not difficult.

10. The National Guard Association of the United States believes that the pending bill is entirely too far-reaching in its effect to be hurried through Congress, and that it should not be enacted until opportunity has been given for full study and hearings, and the people of the country have opportunity to be informed and appreciate it will bring about a complete departure from the military policy of the Constitution.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. I move that the Senate take a recess until 8 o'clock this evening.

The motion was agreed to; and the Senate (at 5 o'clock and 15 minutes p. m.), under the order previously entered, took a recess until 8 o'clock p. m.

EVENING SESSION

The Senate reassembled at 8 o'clock p. m., on the expiration of the recess.

The VICE PRESIDENT. Pursuant to the order of to-day for this evening the Chair lays before the Senate the conference report on Senate Joint Resolution 46.

MUSCLE SHOALS—CONFERENCE REPORT

The Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 46) providing for the completion of Dam No. 2 and the steam plant at nitrate plant No. 2 in the vicinity of Muscle Shoals for the manufacture and distribution of fertilizer and for other purposes.

The VICE PRESIDENT. The question is on agreeing to the conference report.

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

The VICE PRESIDENT. The clerk will call the roll.

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

Ashurst
Barkley
Black
Blaine
Blease
Bratton
Brookhart
Broussard
Bruce
Capper
Caraway
Copeland
Curtis
Cutting
Dale
Deneen

Dill
Edwards
Fess
George
Gillett
Glass
Hale
Harris
Harrison
Hawes
Hayden
Hefflin
Johnson
Keyes
King
La Follette

Locher
McKellar
McMaster
McNary
Mayfield
Metcalf
Neely
Norbeck
Norris
Nye
Oddie
Phipps
Pine
Reed, Mo.
Reed, Pa.
Robinson, Ark.

Sackett
Sheppard
Shipstead
Smith
Steck
Steiner
Stephens
Swanson
Thomas
Tydings
Tyson
Vandenberg
Wagner
Warren
Wheeler

The VICE PRESIDENT. Sixty-three Senators having answered to their names, a quorum is present. The question is on agreeing to the conference report.

Mr. KING rose.

Mr. NORRIS. Mr. President, does the Senator from Utah desire to address the Senate?

Mr. KING. No; I did not see the Senator from Nebraska rise, and I did not want the vote to go by default.

Mr. NORRIS. I am perfectly willing to give Senators opposed to the conference report the time if they want it. The Senator from Kentucky [Mr. SACKETT] desires to make some remarks in opposition to the conference report. I shall be glad to yield to him and let him proceed.

Mr. SACKETT. Mr. President, does not the Senator want to lay the conference report before us and explain it?

Mr. NORRIS. It is before the Senate now.

Mr. SACKETT. Does not the Senator wish to explain the conference report?

Mr. ROBINSON of Arkansas. Mr. President, I think the Senator from Nebraska should make a brief explanation of the provisions of the conference report.

Mr. NORRIS. Mr. President, I do not think a suggestion of that kind is out of order at all; it is perfectly proper; but it occurred to me that some of those who are opposed to the conference report are desirous of being heard, and I am perfectly willing to yield if they want to proceed at this time.

Mr. President, the Senate joint resolution as we passed it provided for the management of the power facilities at Muscle Shoals by the Secretary of War and the management and control and operation of the fertilizer facilities by the Secretary of Agriculture. The House provided for a governmental corporation that should have charge both of the power and the fertilizer operations provided for in the joint resolution as it passed the House. There was also added to the joint resolution a provision for the building of Cove Creek Dam, about 300 miles farther up the river than Dam No. 2. The provisions in regard to fertilizer are, in the main, the provisions which the Senate adopted.

The method of operation, either through such a corporation as is set up in the House amendment or through the two Secretaries of War and of Agriculture, is, in my judgment, immaterial. There may be differences of opinion as to which is the better method. The provisions, however, as to the management, and so forth, are practically the same, with the exception that it is necessary, of course, under the conference bill to provide for the machinery of the corporation, its appointment, and so forth. In a general way the corporation is controlled by a board of directors, consisting of three members selected by the President and confirmed by the Senate. They are directed to employ a manager and two assistant managers. One of the assistant managers is to be an expert in fertilizer operations and the other is to be a hydroelectric expert.

Mr. COPELAND. Mr. President, will the Senator from Nebraska yield to me?

Mr. NORRIS. Yes.

Mr. COPELAND. The Senator has stated that in the main the conference report, as regards the production of fertilizer, is practically the same as the provision adopted by the Senate. Will the Senator at some time in the course of his remarks tell us what the difference is?

Mr. NORRIS. I will. In my opinion, where there is enough work to do, it is more satisfactory that an operation of this kind should be conducted by a governmental corporation than directly by officials of the Government. A corporation is more like an individual; it can sue and be sued. One of the reasons why in the joint resolution as passed by the Senate a corporation was not provided for was because I thought when I prepared it that the business that would have to be done could be more economically done without having so much overhead.

In the first two or three bills that I introduced at the beginning of the Muscle Shoals fight I myself provided for a governmental corporation for the management of the property. Now

the House of Representatives has added, and the conferees have agreed to it, a provision for the building of the Cove Creek Dam. It seems to me very appropriate that the management of the whole business should be left in the hands of a governmental corporation, giving to it all the power that any private corporation owning and managing the various properties would have.

I presume, since it is new, that I ought to explain to the Senate the provision in regard to Cove Creek Dam. Cove Creek Dam is a dam across Clinch River a little over 300 miles above Muscle Shoals. It affords, I think, the largest natural reservoir of any of the tributaries on the east side of the Mississippi River. I know it is the largest of any natural reservoir anywhere in the South, and I know of none in the North that is anywhere near it in size. There is only one that compares with it, and that is a natural reservoir near the central part of Alabama, on the Alabama River, near the city of Montgomery, and that is only a little more than one-half the size of the reservoir that will be created by the construction of Cove Creek Dam. The dam will be 225 feet high and it will hold back 3,500,000 acre-feet of flood water, making a lake of a little over 85 square miles, with a depth at one end of 225 feet.

The justification for building this dam by the Government can not, in my judgment, be successfully challenged. First of all, it is a navigation proposition and a flood-control proposition, and the power that will be generated there, although quite large in quantity, is an incident to it. The joint resolution provides that there shall be installed at that dam machinery that will develop 200,000 horsepower.

I think I ought to digress for a moment to call the attention of the Senate to what a flood-control and a navigation dam of this kind means. It is the greatest step to bring about the navigability of the Tennessee River that has ever been undertaken. It will do more than any other one thing or any other dam or half dozen dams to make the Tennessee River navigable for hundreds of miles. Every man who believes in the control of the flood waters of the Mississippi River ought to be, it seems to me, in favor of the construction of Cove Creek Dam. I doubt if in the United States—there may be others, but I do not know of them—there is a natural reservoir equal to it in capacity. So the construction of the dam will have a material effect upon the floods of the Mississippi River, for I believe—and I think the country is coming to the belief—that in order successfully to cope with the dangerous floods in the lower Mississippi River we must do it by the construction of dams where nature has provided large storage capacity. Cove Creek is one of the largest, if not the largest. It should be a governmental undertaking, because if a private party should build Cove Creek Dam for the purpose of generating power he would, of course, want to secure as much primary power as possible; he would want to obtain the most valuable kind of power; he would want to get the most money out of Cove Creek Dam that he possibly could get. Those are all legitimate purposes, and I am not complaining of any of them; but in order to do that he would let the lake fill up to the height of the dam and then he would let the stream flow over the top of it the year around.

There would not be any such a thing as holding back the flood waters from the Tennessee River or from the Mississippi Valley. He would thereby get a constant flow of primary power during the entire year. If, on the other hand, it is managed as a flood control or as a navigation proposition, then every year the reservoir would be emptied and, as the waters receded, the power that could be generated would grow less and less and when the reservoir became empty, of course, there could be no power generated. So it ought to be operated as a navigation proposition and as a flood-control proposition. It is valuable for both purposes.

Mr. REED of Missouri. Mr. President—

Mr. NORRIS. I yield to the Senator.

Mr. REED of Missouri. I do not want to interrupt the thread of the Senator's discussion but I should like to get a little information at this point. Looking at the conference report I find this language:

That the Senate recede from its disagreement to the amendment of the House to the text of the joint resolution and agree to the same with an amendment as follows.

Then follow some eight pages printed in italics. Is that all new matter?

Mr. NORRIS. It was all either in the Senate joint resolution or in the House amendment. The Senator will remember that the House struck out all after the enacting clause of the Senate joint resolution and inserted an entire substitute; so there was only one amendment, except the amendment to the title.

Mr. REED of Missouri. Is there new matter contained in the conference report that was contained either in the joint resolution as it passed the Senate or as it passed the House?

Mr. NORRIS. No.

Mr. REED of Missouri. Is the dam which the Senator is discussing a part of the measure as it came to us from the House?

Mr. NORRIS. It is in the House amendment.

Mr. REED of Missouri. So that all the conferees have done here is to incorporate the provisions either of the Senate joint resolution or the amendment adopted by the House?

Mr. NORRIS. Yes, sir.

Mr. REED of Missouri. There is nothing new in it?

Mr. NORRIS. There is nothing new in it.

Mr. REED of Missouri. The statement is very misleading as it is printed.

Mr. NORRIS. That is what always happens.

Mr. HARRISON. Mr. President, may I ask the Senator what, if anything, was done with Dam No. 3?

Mr. NORRIS. Nothing was done with it; it was not in the joint resolution as it passed either body.

Mr. GLASS. Mr. President—

Mr. NORRIS. I yield to the Senator from Virginia.

Mr. GLASS. I have but recently come into the Chamber and may I suggest that the Senator, if he has not already done so, discuss briefly, if he will, the objection to the joint resolution, to the effect that it brings the Government into competition with private manufacturers of fertilizers on a basis which would inevitably be destructive of private enterprise in that industry.

Mr. NORRIS. I expect to take that question up before I conclude. I was, however, right in the midst of discussing the Cove Creek Dam.

Mr. BRUCE. Mr. President—

Mr. NORRIS. I yield to the Senator from Maryland.

Mr. BRUCE. I am glad the Senator from Virginia has opened up the line of inquiry that he did, because naturally enough it is a line of inquiry that is very interesting to me.

Mr. NORRIS. I can not discuss two provisions at the same time. I had just as lief discuss that question first; but, since Cove Creek Dam is an entirely new proposition, I thought I should take it up first.

Mr. GLASS. I beg the Senator's pardon; I came into the Chamber late.

Mr. NORRIS. I am not finding fault at all, but I will say to the Senator from Virginia that I would rather finish the subject I was discussing before taking up another branch of the discussion.

Mr. BRUCE. Mr. President, I simply wish to say that the point brought up by the Senator from Virginia is of very great consequence to me, as I happen to represent one of the great cities of the Union—Baltimore—where \$25,000,000 is invested in the business of producing fertilizer.

Mr. NORRIS. I was discussing Cove Creek Dam. I have forgotten just where I was, but, as I recall, I was near the top of it.

Mr. ROBINSON of Arkansas. The Senator was discussing the reason why he thought it was better for the Government to build and operate the dam at Cove Creek.

Mr. NORRIS. I think I had finished that phase of Cove Creek.

It seems to me quite plain that if we are going to utilize Cove Creek Dam to assist in making the Tennessee River navigable, or to assist in flood control of the Mississippi River, it must be done by the Government of the United States. Both of those are governmental undertakings, and can not be done by anybody else; because, as I said, private parties would build the dam, if they should build it, for the purpose of getting as much power as possible, and the valuable power would be obtained by not letting out the water.

When the Tennessee River is low, the water in the reservoir of course will be let out in large quantities. When it is being let out, as it passes over the dam there will be power developed, of course; and if it is necessary for the Government to construct the dam in order to make the Tennessee River navigable and in order to assist in flood control, and by doing so some power is incidentally developed, of course it would be the height of folly not to make use of that very beneficial element.

Mr. HARRISON. Mr. President, may I ask the Senator what is the estimated cost?

Mr. NORRIS. The estimated cost is \$37,000,000; and that includes a transmission line to Dam No. 2.

Mr. NEELY. Mr. President, will the Senator permit me to ask him just one question before he leaves that phase of the case?

Mr. NORRIS. Yes.

Mr. NEELY. I understand the Senator's plan contemplates the supplying of a certain amount of power by the Government at certain times of the year. My question is this: As the Senator has indicated that power could be made under his plan only a portion of the year, by what method would the power be supplied during that portion of the year in which no power was made?

Mr. NORRIS. I am coming to that.

It is quite evident, Mr. President, that if the Government was not the owner of Dam No. 2, and did not have the steam plant at Muscle Shoals, it could not utilize this power to any advantage.

When the Tennessee River is low, however, and the power at Dam No. 2 at Muscle Shoals is at the minimum, a little less than 100,000 horsepower, then we will be letting out the water at Cove Creek Dam and making power there. It would not reach the maximum down at Dam No. 2, but it would be adding to the power that we develop at Dam No. 2 because of the increased flow of the stream; and when we were filling up the reservoir at Cove Creek it would be in time of flood, when the river was high and when the dam at No. 2 would be making power to its maximum, so that one would dovetail right into the other.

In addition to that we have the stand-by steam plant at Muscle Shoals. This bill provides that we shall complete that plant as contemplated by the original plans and specifications by the erection of another unit, and when that is done the steam plant will have a capacity of 120,000 horsepower.

Just think for a moment what the Cove Creek Dam is going to mean to Dam No. 2, down at Muscle Shoals, when run in connection with the steam plant.

The weakness of the governmental proposition at Dam No. 2 is the great variation between the low water and the high water 97 per cent of the time—that is practically 100 per cent, so in round numbers we have always used that, but, to be accurate, 97 per cent of the time—at Dam No. 2, which we now own and operate, there is 100,000 horsepower; 83½ per cent of the time, or about 10 months, there is 141,000 horsepower; 66¾ per cent of the time, or about 8 months, there is 205,000 horsepower at Dam No. 2; and 50 per cent of the time, or 6 months, there is 306,500 horsepower. That is an enormous horsepower one-half of the time.

If, by the utilization of the dam at Cove Creek and the steam plant, we can supply that deficiency 50 per cent of the time, we will have multiplied the value of Dam No. 2 by three. Instead of producing 100,000 horsepower, we will produce over 300,000 horsepower from that dam alone.

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

Mr. NORRIS. Yes.

Mr. COPELAND. The figures the Senator first gave were the figures before the building of the dam up the river?

Mr. NORRIS. Oh, yes. All these figures are without that dam. All the figures that I have given are based on taking the Tennessee River without any storage water whatever—just taking it one year with another, as nature runs the water down the stream.

Mr. STEPHENS. Mr. President, will the Senator yield for a moment?

Mr. NORRIS. Yes.

Mr. STEPHENS. The Senator has been discussing the amount of horsepower that may be developed at Muscle Shoals. I notice that the bill provides that fertilizer is to be manufactured there, and there is to be a distribution of the surplus power, to be carried over the States and put to certain purposes. I should like to ask the Senator for an approximate estimate of the amount of power that will be used in the production of fertilizer and the amount of power which will be distributed over the country.

Mr. NORRIS. Mr. President, I can only give the Senator a guess on that.

Mr. STEPHENS. I understand.

Mr. NORRIS. I can not tell how much power will be used for fertilizer.

Mr. STEPHENS. What is the Senator's idea as to the percentage?

Mr. NORRIS. I will state to the Senator that it will be very small.

Mr. STEPHENS. A very small percentage will be used for electricity?

Mr. NORRIS. Yes. Again I should like to suggest to the Senator that he let me finish this particular branch. If he will call my attention to it, I shall be glad to go into that point later.

Mr. STEPHENS. I beg the Senator's pardon. I will do that.

Mr. NORRIS. Mr. President, it becomes evident that if the Government owns Dam No. 2, as it does, and the steam plant at Muscle Shoals, and builds Cove Creek Dam as a regulator of stream flow, it can, by combining the use of those three properties, make money out of each one of them, besides furnishing for that great country what it has always been trying to get, and that is the cheapest transportation in the world. The Tennessee River for four or five hundred miles will then be a navigable stream, perhaps with the construction of one or two small dams.

Mr. TYDINGS. Mr. President—

Mr. NORRIS. I yield to the Senator from Maryland.

Mr. TYDINGS. Conceding that the Government would make money by the operation of the power plant, if it was the result of this measure that the private concerns which are now making fertilizer were put out of business, and those individuals who had invested their capital in power companies were put out of business because they were forced to compete with a Government-operated concern, untaxed, uncontrolled, and with an unlimited Treasury back of it, does the Senator think that would be a fair way for the Government to make money?

Mr. NORRIS. No; I do not. I do not claim that. Again the Senator is getting into the fertilizer business. I am afraid I shall have to give up this without finishing it, and take up the fertilizer proposition; but just let me briefly refer to navigation, and I will do that.

It is conceded that the making of any stream navigable is a governmental function. Here is the best way to make the Tennessee River navigable. Here is the best way, as far as the eastern side of the Mississippi River is concerned, for the least amount of money, to hold back the flood waters of the Mississippi River; and are we going to refuse to do it because in holding back the flood waters, in making the river navigable, we happen to generate some electricity? Are we going to throw it away? Shall we generate this electricity and not use it? Shall we develop this power as an incident to navigation and flood control from the waters that belong to all the people, and then refuse to use the electricity because it might interfere with some private monopoly selling electricity to the people?

Mr. TYDINGS. Mr. President, will the Senator yield again?

Mr. NORRIS. Yes.

Mr. TYDINGS. I suppose the Senator would be equally in favor of the proposition he is advocating if it applied to any other river in the United States, provided the circumstances were the same?

Mr. NORRIS. Yes, sir.

Mr. TYDINGS. If this policy were carried out all over the United States, it seems to me it would be inevitable that the Government would be competing with people who had put their money into power enterprises, and that the Government, being uncontrolled, untaxed, and unregulated, with an unlimited Treasury back of it, would ultimately put out of business every one of those private power concerns.

Mr. NORRIS. Mr. President, the Senator has been reading the propaganda that is brought out before the Federal Trade Commission. He is making the same argument that the fellows representing the Power Trust have been making, and which that investigation is bringing to light.

Mr. TYDINGS. Mr. President, will the Senator yield again?

Mr. NORRIS. Yes.

Mr. TYDINGS. Will the Senator deny that the propaganda he says I have been reading—although I have not read a page of it—or the statement I have just made is absolutely true; and, if false, will the Senator point out wherein it is false?

Mr. NORRIS. I am not going to be led into a quarrel with the Senator as to putting somebody out of business. It has been developed, and the country now knows it, that this greatest monopoly in existence is sneaking into the back doors of the schoolhouses and is trying to contaminate the minds of our children and is poisoning them with its arguments in favor of the Power Trust; and I hate to have the argument made now that we are in danger of injuring that kind of a monopoly.

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

Mr. NORRIS. Yes.

Mr. TYDINGS. I have not yet gotten an answer to the question I asked the Senator. He has condemned the Power Trust. I do not blame him for that if he wishes to do it; but I ask him specifically if the Government pursued the policy that he has outlined in this measure and went all over the United States and built dams on rivers situated similarly to this river and sold the electricity, uncontrolled, untaxed, and unregulated, would not the inevitable result be that the private concerns would have to go out of business?

Mr. NORRIS. Mr. President, if the private concerns are going to operate as they have been operating—

Mr. TYDINGS. But the Senator does not answer my question.

Mr. NORRIS. I hope the Senator will let me make my answer. He will have his time all taken up if he will read the rest of the disclosures that are made before the Federal Trade Commission about this great monopoly of which he seems to be so tender and which he does not want to have injured.

Mr. GLASS. With respect to that, it seems to me the ready answer is that the Government is not going all over the country building dams on all the rivers.

Mr. NORRIS. Mr. President, the Government is at Muscle Shoals because we provided that plant as a war proposition. I did not favor going into it on any other ground myself. We are there because we provided for it in the national defense act, and since we are there and own the property and have spent the money of the people in developing it I think it would be the height of unwisdom if we threw it away now just because a set of millionaires who have a monopoly in this country and are getting a greater monopoly in the development of power object to our interfering with their business.

Mr. TYDINGS. Mr. President, I am not quarreling with the Senator or his views; I am trying to get them straight in my own mind. I understood the Senator to say a while ago that he was in favor of the principle incorporated in his measure as applying to any other river similarly situated.

Mr. NORRIS. I am. If we had any other river like this, and had such a property as we have at Muscle Shoals, I would want to do the same thing.

Mr. TYDINGS. Then I ask the Senator again, if we pursue the principle laid down in his joint resolution, and the Government goes into these propositions on the various rivers of the country and builds plants and sells power—

Mr. NORRIS. Does the Senator know of another place where we have such a plant?

Mr. TYDINGS. Of course.

Mr. NORRIS. Is there any place in the United States where the Government has built a dam like that it has at Dam No. 2?

Mr. TYDINGS. But the Senator is leaving his original proposition.

Mr. NORRIS. No; I am not. If the same conditions existed I would want to do the same thing. There is no use of the Senator quibbling over that.

Mr. TYDINGS. They exist all the way up and down this country.

Mr. NORRIS. No; they do not. There is not another place in the United States where the Government owns property like that it owns at Muscle Shoals, or anything similar to that.

Mr. TYDINGS. My first question directed to the Senator was, if there were other rivers similarly situated as the Tennessee River, would he be in favor—

Mr. NORRIS. Now, the Senator must admit, I think, that his question is, in a nutshell, if we had the same conditions anywhere else, on any other river, would the Senator be in favor of doing what he is doing now, and my answer is, yes.

Mr. TYDINGS. Then I ask the Senator if he will give me an answer to my second question, which I have propounded three times, and to which I have not yet gotten an answer.

Mr. NORRIS. Yes; but the Senator's second question has not any more to do with the first one than the flowers that bloom in the springtime. He can not tell me now—I challenge him to tell me—a place in the United States where there is a similar condition.

Mr. TYDINGS. The Senator is answering my question by asking me one. What I would like to have the Senator do first is to answer my question, and then I will answer his inquiry.

Mr. NORRIS. I have answered the Senator's question. I have said that if we had the same conditions anywhere else I would be in favor of the same kind of a proposition.

Mr. TYDINGS. Then, under the provisions of this joint resolution, will not the Government, untaxed, uncontrolled, unregulated, competing with concerns that are taxed, are controlled, and are regulated, put the other concerns out of business?

Mr. NORRIS. No; not if they do an honest business.

Mr. TYDINGS. Why not?

Mr. NORRIS. They will profit by this measure, as I will show the Senator when I get to it. He is so anxious that he will not even let me discuss another feature of this proposition, but insists that I discuss that first. Bless your soul, there is nothing in this measure that will put any honest fertilizer man, or any honest water-power man, out of business anywhere.

Mr. TYDINGS. Why so?

Mr. NORRIS. Because it will not.

Mr. TYDINGS. What difference does it make whether a man is honest or dishonest if, with a big overhead of taxation,

controlled by the States, and with a limited capital, he is to compete with this Government plant?

Mr. NORRIS. The Senator forgot; he did not this time say "untaxed and uncontrolled."

Mr. TYDINGS. Yes; I did.

Mr. NORRIS. Did the Senator?

Mr. TYDINGS. Yes; I did.

Mr. NORRIS. The Senator has repeated that so often that I have reached the conclusion that he has not only read the propaganda of the Power Trust being exposed before the Federal Trade Commission, but he has committed it to memory.

Mr. TYDINGS. The Senator is very witty; but I am trying to talk sense to him, and not indulge in frivolity on a very serious question.

Mr. NORRIS. I hope the Senator will talk sense.

Mr. TYDINGS. I would like to say to the Senator that his measure provides for the Government to go into the power business. It will compete in communities that already have private concerns in the power business. Those private concerns are subject to taxation, they are subject to the control of the State public-utilities commissions. The Government is not subject to taxation; it is not subject to the control of the State utilities commissions; it has an unlimited Treasury back of it to make up any deficit; and I ask the Senator how any concern may stay in business in the face of that competition?

Mr. NORRIS. One way they can stay in business is to stop spending millions of dollars for propaganda purposes.

Mr. TYDINGS. Oh!

Mr. NORRIS. Another way they can stay in business is to stop spending money in senatorial elections. Another way they can stay in business is to stop making contributions to carry presidential elections.

Mr. TYDINGS. The Senator can not show, to save his soul, where a million dollars has been spent for propaganda purposes. That is a wild statement, made out of the whole cloth.

Mr. NORRIS. Then there has not been any. Does the Senator remember the \$125,000 contribution of Samuel Insull? Who paid that, if it was not the poor men who are reading by electric light?

Mr. TYDINGS. Add up your million.

Mr. NORRIS. I could go on and give more.

Mr. TYDINGS. Do it.

Mr. NORRIS. I will not do it.

Mr. TYDINGS. The Senator can not do it.

Mr. NORRIS. I can do it. The Senator must not think that he can outline a course for me to take.

Mr. TYDINGS. The Senator can not do it.

Mr. NORRIS. Of course, I can do it.

Mr. TYDINGS. Do it, then.

Mr. NORRIS. I am not going to please the Senator that way.

Mr. TYDINGS. Of course, the Senator is not, because he can not.

Mr. NORRIS. If the Senator will follow the Federal Trade Commission he will find it out.

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

Mr. NORRIS. I yield.

Mr. COPELAND. Is there not another answer besides the answer given by the Senator about this particular problem; that we have already invested millions of dollars of the United States in this plant, it is our property, we have it on our hands, and it must be utilized to the best possible advantage? It is not a question of our going out and taking a new property or finding another river and building other dams and other reservoirs, but we have this, it is ours, and it was bought with a specific promise to the American people. That is the way I look upon this particular matter. We are under obligation to do something with it to serve the people in time of peace as we thought to do with this property in time of war.

Mr. NORRIS. I think so. Suppose we were starting on the proposition to make the Tennessee River navigable, a perfectly legitimate governmental activity, as everybody will concede, and we were going to spend \$37,000,000 to do it. I defy any man to show a place or places on the Tennessee River where navigation could be improved by the expenditure of the same amount of money as it would be improved through the building of Cove Creek Dam. As a matter of fact, the \$37,000,000 includes the building of a transmission line all the way to Dam No. 2. So that it would be worth our while if we were going to act on that one thing alone, to make the Tennessee River navigable, and we are going to make it navigable some time. Nobody doubts that. The great South has a right to demand that it be made navigable. It is one of the longest streams in the United States which can be made navigable, and we ought to give to that great section as cheap transportation as we can give them and that will afford it. You can not spend

an equal amount of money on anything else that will go as far toward the making of that stream navigable as will the building of this one dam. That is perfectly apparent to anyone who will study the subject. So we are justified, I think, in building Cove Creek Dam.

It will not help my people any, but I hope that Senators will be broadminded enough, no matter from what sections of the country they come, to realize that flood control is a national problem, and that this is one step toward flood control; and eventually, on the ground of flood control alone, we will build that dam, if we do not do it now.

Now I want to discuss briefly the fertilizer matter. There are two considerations here—water power and fertilizer production. For more than seven years I have listened to Senators condemning me and the course I wanted to take at Muscle Shoals on the ground that I was in favor of the development of a power proposition at Muscle Shoals, and was not giving sufficient consideration to fertilizer. Fertilizer has been the cry. It was always said, in all the arguments, that this plant had been dedicated to fertilizer; in one of the bills it was stated in so many words that Congress dedicated this plant to fertilizer. We have said we wanted to improve agriculture, that we wanted to give the farmer a chance, and while I always believed that I was providing for the production of fertilizer, I was condemned, and the bills I introduced were condemned, because it was said I did not have in them enough provision for the production of fertilizer.

Now, we have reached the point where this measure is being condemned because it provides for the production of fertilizer. Where are the champions of the farmer who for seven years have been crying aloud that this was dedicated to fertilizer in time of peace and saying those of us who wanted even to think of water power were enemies of the farmer? Look over the resolutions which during the last eight years have been passed by farm organizations, National, State, county, district—any kind. Whenever they pass a resolution about Muscle Shoals you will find somewhere in it a demand that this plant be utilized for the production of fertilizer in time of peace.

Now the cry goes up that we must take all provision for the production of fertilizer out of the joint resolution. With the Water Power Trust in disrepute before the people, ashamed to raise its head because of the exposés that have taken place before the Federal Trade Commission, they are carrying on now their propaganda through the Fertilizer Trust, and we are swamped with telegrams and letters by the thousands to the effect that we must take all provision for the production of fertilizer out of this measure.

The Fertilizer Trust is boasting now that in the House they took fertilizer out of it, and they want to take it out in the Senate, although I may say there is no provision in the conference report which, in my judgment, is a particle stronger than was in the joint resolution as it originally passed the Senate on fertilizer. In my judgment, if this joint resolution is passed, it will result in a greater demonstration, in an experimental stage, on a broad principle, than any that has ever been undertaken anywhere in the history of civilization. It will be the greatest boon to fertilizer that has ever been undertaken.

The production of fertilizer is to a great extent a chemical activity. Everybody knows that there are unknown worlds to be developed yet in the production of fertilizer; that the manufacture of fertilizer as practiced to-day upon the farms of America is an incomplete and perhaps almost an unknown science, and developments have been taking place for the last hundred years that have gradually cheapened fertilizer.

Fertilizer is composed of nitrogen, phosphorus, and potash. There is in the air an abundance of nitrogen, and the proposition is to get that ingredient of fertilizer out of the air. We have made broad provision in this measure because we do not know now what to-morrow's scientific world may bring forth. We do know that since the war things have changed very greatly. The cost of extracting nitrogen from the atmosphere has been cut in half since the World War. Scientists all over the known world are trying to develop improved methods, and this is a proposition for the Government of the United States to do it on a large scale. Everybody knows, especially in the chemical world, that in the laboratory may be found a product which apparently is perfect, doing just what you expect it to do, but when you come to apply it in the world of agriculture it does not work; it fails. When we go out in the world and apply it to practical results in a business way we find that the laboratory test does not work. As to the fertilizer people, God knows I have not anything against any of them; I do not believe I have ever been guilty of even making a charge that was disreputable against any of them, but I have heard it here from day to day during several years.

I believe it to be true that no fertilizer company can afford to spend the money in some of these experiments. Some of them will cost hundreds and hundreds of thousands of dollars. They may fail, and then the private individual who is making the experiment loses the money that he has in it. The Government alone can afford to make the experiment. It has never done it in the past except in the laboratory. The proposition is to utilize Muscle Shoals for the purpose of making fertilizer, the ingredients of fertilizer, studying fertilizer practically upon the farms on a broader scale than it has ever been undertaken. I do not know what the results are going to be. It is fair to assume, I think, that there will be many failures. There will be lots of money spent where they will not get the proper kind of results. But I know of no other way to cheapen fertilizer than to continue to experiment and manufacture it on a large enough scale so that we may know whether it is of practical benefit or not.

The joint resolution as passed by the Senate provided that the Secretary of Agriculture might manufacture fertilizer, experiment in fertilizer, and build any kind of plant that he wants to. We thought best not to limit the corporation, because we do not know what the best plan will be to-morrow. It is quite evident since the war that the plant we built down there, No. 2, is believed by all scientific men to-day to be obsolete and out of date. For one-third of the money and one-fifth of the power we can make as many nitrates by more modern methods as we can produce from nitrate plant No. 2. That has all developed since the war. Nitrate is one of the ingredients, and the most expensive ingredient, in fertilizer.

It is the idea of the conference committee, it is the theory of the conference report, that we should give to the corporation very broad latitude, otherwise we do not know what they will run up against and how soon they will be unable to proceed further on account of statutory provisions.

It is provided, for instance, that if the corporation develops a new fertilizer in the laboratory and it is thought that it will work, instead of sending it out to the farmers and telling them to apply it, as we have had to do in the past, at their own risk and sometimes causing them to lose their crop because they wanted the best, they shall say to the farmer, "Apply this in a certain way, follow this practice, use this combination that we will supply to you, and we will agree that if it fails, if it injures or destroys your crop, we will pay the damages." We have got to do something of that kind. I expect that will often occur. In the years to come, if the joint resolution is passed, it will happen perhaps more frequently that way than otherwise.

But we are in hopes that we will succeed sometime, that we will make an advance, and when the Government corporation makes it, it is free to the world. There is no patent. If a private concern did it, they would patent it, and I mention that without criticism. They have a right to do it. But if this Government corporation, with money they obtain from the sale of power, discovered something new, every fertilizer corporation in the world could use it the next day. It would be free and open to everybody.

I remember some time ago when a fertilizer man came to my office to talk to me about it. He had read the Senate bill. He said:

I think that is the finest piece of legislation that has ever been attempted for any fertilizer man who wants to improve his business.

He said:

We know that our business is very imperfect. We know that the farmers are paying much more than they ought to pay, if we could get some improved method of making fertilizer. We know that the human race are interested in cheap fertilizer, whether they are on the farms or in the cities.

He said further:

I would rather, as a fertilizer man, have the Government discover something new and let me use it, which I would be glad to do if it is improved, if they will go to the expense of making the experiment. I can not afford to do it because I might fail. In doing that, if they make it on a large enough scale—

he said—

which they ought to do, then they would have to sell it, of course; if they had it on hand it would have to be utilized. If they had a little competition that would affect me, I would not object because it would be as nothing compared to the benefits I would get out of any improved method which might be discovered.

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

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from New York?

Mr. NORRIS. I yield.

Mr. COPELAND. The thing that disturbs me about the conference report is emphasized by what the Senator is saying. I have followed him and voted with him on the bill from the beginning. But heretofore, and the Record shows it, the Senator has said distinctly that "When we talk about fertilizer it is a mockery, it is a myth, it does not mean anything. It is to deceive the farmers of the United States into believing that they are going to get fertilizer," and so forth. He said, "It is a power plan altogether."

Mr. NORRIS. I am glad to have the Senator call my attention to that.

Mr. COPELAND. I am disturbed by that statement.

Mr. NORRIS. Let me see if I can explain it to the Senator. This is a power proposition. I have always believed it to be a power proposition. If the Senator will go through the Record he will find that I always claimed to be—and I believe I was honest in it—as anxious to cheapen the production of fertilizer as any man on earth. While I did not come from a section of the country that uses it very much, yet when I went into the question and studied fertilizer and began to realize how important it is to the human race, I became a convert to the spending of almost unlimited sums in the improvement of fertilizer and fertilizer practices.

But this has always been a water-power proposition. In other words, here is what was being claimed by my opponents in the debate. They said, "Use nitrate plant No. 2, the cyanamide process, and make fertilizer with it." While I admitted that could be done, I tried to make plain that it was an obsolete method of doing it; that, while we had a plant down there which would make 40,000 tons of nitrate a year, we could make the same amount of nitrate for much less money without utilizing one-fifth the amount of power that we would use there, and I think that has been demonstrated now. But I wanted to use the money that we would sell the power for and then go into the fertilizer business on a modern basis. That is what I was advocating.

Mr. COPELAND. If the Senator will bear with me, it is very confusing to me because the things the Senator has said in years past soaked into my soul and memory, and I was sure that I was not wrong in my recollection. Just listen to a sentence from the Senator's own mouth. This was on April 30, 1926. He said:

I went into the question without knowing what it cost to make fertilizer. I went into the question without knowing what I believe I have learned, that as the production of fertilizer has advanced and becomes better understood, cheapened by new invention, the tendency has been for years to use less and less power in getting together the ingredients necessary to make fertilizer, particularly in the extraction of nitrogen from the atmosphere, until now, although I am not an expert, yet I have no hesitation in saying that the evidence demonstrates that as we improve and cheapen the method of making fertilizer we are eliminating the consideration of the power question.

He repeated it last year, and now we have before us something entirely different.

Mr. NORRIS. No; I have not contradicted that, let me say to the Senator. I stand by that to-day. According to my theory that is as true as gospel now.

Mr. COPELAND. If I understand the Senator, he wants to go up Clinch River or Cove Creek and build another dam to develop more power.

Mr. NORRIS. No; to regulate the flow of the Tennessee River and make it navigable.

Mr. COPELAND. That is new. It has not been in any previous bill.

Mr. NORRIS. I know it has not. It was never in the bill before. This survey has just recently been completed by the Government.

Mr. COPELAND. The conference report is entirely different, and it is new and novel.

Mr. NORRIS. The Cove Creek Dam is new. I said that to begin with.

Mr. COPELAND. To be frank about it, I do not even recognize, in what he is saying to-night, the bill that the Senator was talking to us about last year and the year before. It seems to me it is an entirely new proposition.

Mr. HARRISON. Mr. President—

The PRESIDING OFFICER (Mr. DENEEN in the chair). Does the Senator from Nebraska yield to the Senator from Mississippi?

Mr. HARRISON. I want to get clear in my own mind, if I can, just how the Senator has changed this proposition.

Mr. NORRIS. I want first to answer the Senator from New York before I have another question to answer. I still hold the same opinion.

Mr. COPELAND. Then why does the Senator want more power?

Mr. NORRIS. Let me tell the Senator. I would not build the Cove Creek Dam for the power there would be in it. I would not think of it for the Government. I would not build the Cove Creek Dam for any purpose if we did not have Dam No. 2, excepting as a navigation proposition and as a flood-control proposition.

Mr. SACKETT. Mr. President—

Mr. NORRIS. Let me answer one at a time. Here we have Dam No. 2. We can double its value. We ought to do it. Here we have the Tennessee River unnavigable. We can make it navigable. Should we do it?

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

Mr. NORRIS. Here we have a reservoir, perhaps the biggest in the United States, that will help control the flood waters of the Mississippi River. Should we build it?

Mr. COPELAND. Why not go up the river and build another dam?

Mr. NORRIS. We will. We will build 100 dams before we get through with the Mississippi River. Just see if we do not!

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

Mr. NORRIS. I promised to yield first to the Senator from Kentucky.

Mr. SACKETT. It was in evidence before the committee as to what the Cove Creek Dam would do in the way of aiding navigation on the Tennessee River. Is there any doubt of there being water enough in the Tennessee River in ordinary times, below the mouth of Cove Creek Dam, to require such an extraordinarily big investment as that to carry on navigation on the Tennessee River?

Mr. NORRIS. It is not a big investment for the navigation of the stream.

Mr. SACKETT. It is \$37,000,000.

Mr. NORRIS. That is the cheapest way we can make it. The Tennessee River must have improvements or it will not be navigable. It is not navigable up there now.

Mr. SACKETT. That is only one small tributary of the Tennessee River that the Senator is proposing to dam for \$37,000,000.

Mr. NORRIS. Yes.

Mr. SACKETT. There is plenty of water in the Tennessee River, in all of its tributaries and the main river.

Mr. NORRIS. There is not plenty of water. The Tennessee River gets very low at times and very high at other times.

Mr. SACKETT. So do many other rivers.

Mr. NORRIS. That is a simple proposition.

Mr. SACKETT. Is there any evidence before the committee that flood control is necessary on the Clinch River? There is no evidence before the committee that flood control is a matter of great moment on the Clinch River.

Mr. NORRIS. We do not care for flood control now on the Clinch River, but the water that is held back there, which will do some good in the way of making the river navigable and developing power, will do damage if we let it run and go down the Mississippi Valley.

Mr. SACKETT. No; not out of the Clinch River.

Mr. NORRIS. Yes; it does. Every gallon of it goes into the Mississippi River.

Mr. SACKETT. Yes; and it would not raise the level of the Mississippi River at New Orleans the sixteenth of an inch.

Mr. NORRIS. Mr. President, if the water that is held back by that dam was spread over the District of Columbia and if the District of Columbia was level, the tallest building in the District would be away under water. Ships could float over the top of the city without scraping their bottoms.

Mr. SACKETT. It would probably take about two years to build that dam.

Mr. NORRIS. Perhaps it will. I do not know how long it will take, but it will hold back that much flood water, and when we let it out it will increase the flow of the stream and make the Tennessee River navigable.

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

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Maryland?

Mr. NORRIS. I yield.

Mr. TYDINGS. I do not want to go back to a point that we had up a moment ago facetiously, but I would like to say to the Senator that I understood him to say just a moment ago that we would build hundreds of these dams before we are through?

Mr. NORRIS. I think we will.

Mr. TYDINGS. Does the Senator advocate that we should use the power and sell it like we are selling it at Muscle Shoals?

Mr. NORRIS. The Senator and I would agree, I suppose, if we were going to control the flood waters of the Mississippi River that way, that we could build the dams; but we could not build the dams without generating a lot of power. I would sell the power. The Senator would throw it away. That is the difference between us.

Mr. TYDINGS. Then may I ask the Senator this question: Will not his policy be the means eventually of bringing about the confiscation of all the privately owned power plants in the United States?

Mr. NORRIS. No; it will not.

Mr. TYDINGS. Why not, may I ask?

Mr. NORRIS. Because there will not be any occasion for the privately owned plants to quit if they do an honest business. They will not be able to do what they are doing now. Instead of charging from 10 to 12 cents a kilowatt-hour to the men and the women in the little homes and using the big profit to control legislation, to buy Senators, to elect Senators, and control presidential elections, they will go out of that business and will sell the same power for 4 cents a kilowatt-hour and make money doing so.

Mr. TYDINGS. Then, the Senator thinks if we should duplicate every power plant in the United States, building two plants where there is now one, that the ones that are now in existence, although they could not compete with the Government, could still operate and make money? Is that what he thinks?

Mr. NORRIS. No; the Senator is making an assumption there that it ought to be beneath him to make. Who has suggested that we duplicate every power plant?

Mr. TYDINGS. We would do it under the Senator's plan.

Mr. NORRIS. We would not do it. There would not be anything to duplicate.

Mr. TYDINGS. The Senator has said so.

Mr. NORRIS. Here is a power dam on a stream; it is going to be duplicated, another one is going to be built. There is not any stream over there, there is not any stream over here; where is it going to be built?

Mr. TYDINGS. Suppose there is no power plant on the stream, but there is a steam plant alongside of the stream, then what does the Senator say?

Mr. NORRIS. If there is good water power there, either a private party or the municipality ought to build a dam and get power from the water, and save the coal.

Mr. TYDINGS. But suppose the water power has not been utilized, but private enterprise has built a steam plant and has its money in it and the Government comes along and builds a plant alongside of it?

Mr. NORRIS. I do not care whether by the Government or a private party, the dam ought to be built. The Senator would not object if some private corporation built the dam. He would say, "That is all right." But a dam is never built in any locality without competing with some one engaged in producing the same thing.

Mr. TYDINGS. Then, the Senator admits that there is competition?

Mr. NORRIS. Of course, there is competition.

Mr. TYDINGS. That is it exactly.

Mr. NORRIS. Every time a dam is built; and that is what we ought to have in order that the people may get justice.

Mr. TYDINGS. Then the Senator advocates the use of public money, contributed in part by those with whom the Government is competing, to build dams and to compete with those who have invested private capital. At last we have the answer.

Mr. NORRIS. The Senator is answering his own question, but with all his wisdom and his greatness he has not yet been able to answer for me. I prefer to answer for myself.

Mr. TYDINGS. But the Senator admitted that there would be competition.

Mr. NORRIS. The Senator said that.

Mr. TYDINGS. Did not the Senator admit it?

Mr. NORRIS. If the Senator will keep still and remember that I am not on the witness stand being questioned by him—

Mr. TYDINGS. Neither am I.

Mr. NORRIS. Then sit down.

Mr. TYDINGS. I will. [Laughter in the galleries.]

The PRESIDING OFFICER rapped with his gavel.

Mr. TYDINGS. Of course, the Senator can be discourteous, but he yielded to me to ask him a question, and I was entitled to a polite answer. However, I do not expect any polite answer from the Senator.

Mr. NORRIS. The Senator would not appreciate a polite answer if he got it. [Laughter in the galleries.]

Mr. TYDINGS. No; not from the Senator from Nebraska, because I have never gotten one.

Mr. NORRIS. The Senator would not know a polite answer if he met it in the middle of the street.

Mr. TYDINGS. If I did it would not be from the Senator from Nebraska, if his conduct to-night is any criterion.

Mr. NORRIS. Now, Mr. President—

Mr. GLASS. Mr. President—

Mr. NORRIS. I yield to the Senator from Virginia.

Mr. GLASS. The Senator knows very well that I voted for his Muscle Shoals measure in the Senate, and I am not asking questions now in an antagonistic spirit. I do not care what becomes of the power monopoly. I am in a very punitive sort of spirit when we discuss the power monopoly. I think if it were to lose money for the next 50 years to come it would not require the victims upon whom it has profited for that length of time. So, I am not bothered about that aspect of this case; but the Senator has not answered quite to my satisfaction the objection to the conference report, to the effect that, if it be adopted, it will eventually destroy all private initiative and destroy the great amount of capital invested in the manufacture of fertilizers by setting the Government up in active competition with legitimate, honestly conducted fertilizer plants.

I judge from the conference report that the Government will be authorized to engage in the commercial business of selling fertilizers. If that is so, what I should like to know is whether it is proposed that it shall do so on the basis altogether to the advantage of the Government and to the disadvantage of those who have invested their money in the fertilizer business? I should like the Senator a little more clearly to state what, in his view, may happen in that respect.

Mr. NORRIS. Mr. President, I think the Senator from Virginia has asked me a very fair question. I will say that I do not want to put anybody out of business so long as—

Mr. GLASS. I am not assuming that the Senator does.

Mr. NORRIS. I do not think the Senator from Virginia assumes that.

Mr. GLASS. But what I want to develop is whether this program, if it be adopted, will put anybody out of business?

Mr. NORRIS. I understand the Senator's question. One may take such a view of the joint resolution as it passed the Senate—and the same thing is true of the conference report—as to give him some concern along the lines of the Senator's question. I do not believe it can be avoided. If we are going to operate to afford agriculture the right kind of experiment and the right kind of demonstration as to the production of cheap fertilizer, we must do it, I think, on a large scale. All kinds of experiments will be conducted on a large scale in order to ascertain after the experiment shall have been made whether it is a practical one. The Government will manufacture fertilizer on a large scale to see if the formulas and the laboratory tests will work out; the Government will keep on hand considerable fertilizer. I do not doubt that when the Government produces fertilizer it will dispose of it, that it will sell it.

If, however, the Government shall produce fertilizer, if the experiments shall prove a success, it will cheapen the product, and every fertilizer manufacturer in the country will get the benefit of the experiments, as the results will be available to the public.

I concede that if the board which is to take charge of this undertaking should not want to do anything else than to make fertilizer, in a technical sense it might do that; but it would not be the right thing to do. I do not expect it to do anything of that kind. I think that if one will consider the whole measure together, he will realize what it is intended to accomplish, and will realize also that if we should undertake to say that there should be nothing but experimentation we would perhaps at once destroy the usefulness of the project. The question would arise, What is an experiment? Are we going to experiment on a square yard of earth or on an acre of earth or on 160 acres, or are we going to manufacture something in a laboratory? Right there we would get into difficulty, and the question would arise at once whether the board was exceeding its authority.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Nebraska yield?

Mr. NORRIS. I yield to the Senator from Arkansas.

Mr. ROBINSON of Arkansas. Will the Senator from Nebraska state what are the provisions of the conference report with respect to fertilizer; and does the joint resolution contemplate primarily experiments or primarily the manufacture of fertilizer for commercial purposes?

Mr. NORRIS. I do not think it is the intention of the joint resolution to provide for the manufacture of fertilizer for commercial purposes, although, as I said to the Senator from Virginia, one might put that construction on the language if he

ignored everything else in the joint resolution. For instance, the Senator's colleague, the junior Senator from Arkansas [Mr. CARAWAY], when we had the joint resolution in the Senate, offered an amendment, which was agreed to, which required the Government to operate plant No. 2; and that provision is still in the joint resolution in a modified form. Personally, I do not have any faith in that, I will say frankly, but there are a great many people who do. From my study of it, I do not believe that will be a success. It will be necessary to try it, however.

Mr. ROBINSON of Arkansas. Does the Senator mean that it will not be a success because it is proposed to operate it under the cyanamide process?

Mr. NORRIS. Yes. Did the Senator from Arkansas want me to read from the joint resolution? Am I to infer that from his question?

Mr. ROBINSON of Arkansas. I do not care to ask the Senator to read from the joint resolution. What I should like to have him do is to state what are the provisions with respect to fertilizer, or to summarize them, so that the Senate may judge for itself whether the joint resolution contemplates undue competition with private enterprise.

Mr. NORRIS. Let me read some of the language:

Sec. 5. The board is hereby authorized and directed—

(a) To operate existing plants, to construct, maintain, and operate experimental or production plants at or near Muscle Shoals for the manufacture, distribution, and sale of fertilizer or any of the ingredients comprising fertilizer, or any of the by-products of the same.

Mr. HARRISON. Mr. President, may I ask the Senator how does that differ from the original language of the Senate joint resolution?

Mr. NORRIS. Let me finish reading.

Mr. HARRISON. I want to know how that language differs. That is the conference report from which the Senator is reading?

Mr. NORRIS. Yes.

Mr. HARRISON. How does that differ from the joint resolution as it was passed by the Senate?

Mr. NORRIS. I do not think it does differ from it.

Mr. HARRISON. I think it does, in several particulars.

Mr. SMITH. May I state that it is in the exact words—

Mr. NORRIS. Mr. President, I hope Senators will let me finish reading what I started to read.

Mr. HARRISON. I wanted to ascertain if there is a difference. I want to know what has been done.

Mr. NORRIS. If the Senator will give me time, I will come to that.

Mr. HARRISON. I should like the Senator to state exactly what the difference is.

Mr. NORRIS. I was only half through the reading in answer to the question of the Senator from Arkansas [Mr. ROBINSON]. I will continue:

(b) To contract with commercial producers for the production of such fertilizers or fertilizer materials as may be needed in the Government's program of development and introduction in excess of that produced by Government plants. Such contracts may provide either for outright purchase by the Government or only for the payment of carrying charges on special materials manufactured at the Government's request for its program.

We have broadened it so that the board can even deal directly with the fertilizer manufacturers.

(c) To arrange with farmers and farm organizations for large-scale practical use of the new forms of fertilizers under conditions permitting an accurate measure of the economic return they produce;

(d) To cooperate with national, State, district, or county experimental stations or demonstration farms, for the use of new forms of fertilizer or fertilizer practices during the initial or experimental period of their introduction.

And so on. Now let me read—

Mr. COPELAND. Will not the Senator go on, because when we reach (f), on page 4, we find entirely new material.

Mr. NORRIS. Very well. I continue.

(e) Whenever the board determines that it is commercially feasible to produce any such fertilizer, it shall be produced, and shall be disposed of at the lowest prices practicable.

I presume that if one cared to give a technical construction to that language he might say that the object of this measure is to go into the production of fertilizer and to go into its production on a large scale and sell it; but I think when all the language is read it must be realized that what is meant is that the board, when it determines that it is practical to produce a certain form of fertilizer, shall produce it and go on far enough so that there may be no doubt that the experiment is a success.

Mr. KING. The Senator ought to read the concluding part of that sentence.

Mr. NORRIS. I have not finished it. I will read it all:

It shall be produced, and shall be disposed of at the lowest prices practicable, to meet the agricultural demands therefor, and to effectuate the purposes of this act.

I take it that the price of fertilizer would have something to do with the agricultural demands.

Mr. HARRISON. Mr. President, may I suggest to the Senator that the language there is restricted from the language in the joint resolution as passed in the Senate, because the joint resolution as passed in the Senate says:

It shall be produced in the largest quantities practicable.

The Senator would eliminate "in the largest quantities practicable," and just say "It shall be produced"?

Mr. NORRIS. Yes.

Mr. HARRISON. So I think the language is really restricted from the Senate joint resolution in that respect.

Mr. NORRIS. When the Senate joint resolution was framed in the committee, we had an idea—it may have been wrong—when we put in that language. We wanted them to produce it on a large scale, because, especially in something of this kind, unless that is done there would be danger that we would get no benefit from the experiment.

Mr. ROBINSON of Arkansas. Mr. President, is it possible to anticipate the amount that may be produced if the conference report is agreed to and the machinery is put in operation that it contemplates?

Mr. NORRIS. No; I will say to the Senator; at least, I have no idea of the amount. I think it would depend entirely on conditions. I do not know.

Mr. GLASS. Mr. President—

Mr. NORRIS. I yield to the Senator from Virginia.

Mr. GLASS. Pursuing my line of inquiry, which is propounded in no antagonistic spirit at all, I want to clear the way, if I can, to support the conference report; but it seems to me, from reading the conference report and from hearing the explanation given by the Senator, that under the terms of this act the Government would be expected and perhaps required to go into the business not only of manufacturing but of commercially disposing of fertilizer. That is what I want made clear.

Mr. NORRIS. Of course to some extent I think that is true. If we make the fertilizer, of course we would have to sell it, and it would be made sometimes on a large scale. I think that would be necessary.

Mr. GLASS. They would sell it directly to the farmers, would they?

Mr. NORRIS. There is not any provision here about where they would sell it, excepting where there is specific reference made to organizations that they shall cooperate with and experiment with, and so forth. They could sell it to fertilizer dealers, for that matter, and they could even buy it from fertilizer dealers.

Now let me read the rest of this.

Mr. COPELAND. Yes, Mr. President, if the Senator will yield, because the difference between these two measures—the one that we passed and the conference report—lies in the part that the Senator is about to read and paragraph (a) of section 5.

Mr. NORRIS. Now, I am commencing at (f). I had read down to (f).

Mr. COPELAND. That is new.

Mr. NORRIS (reading):

(f) The board shall commence the manufacture of fixed nitrogen at Muscle Shoals by the employment of existing facilities (by modernizing existing plants), or by any other process or processes that in its judgment shall appear wise and profitable for the fixation of atmospheric nitrogen. The fixed nitrogen for fertilizer provided for in this act shall be in such form and in combination with such other ingredients as shall make such nitrogen immediately available and practical for use by farmers in application to soil and crops. The board is authorized and directed to utilize nitrate plant numbered 2 for experiments in the production of fixed nitrogen, to determine whether it is or is not commercially feasible to produce fixed nitrogen by such plant.

The Senator will find in section 9 of the Senate joint resolution—I think it is section 9—what is known as the Caraway amendment. That goes considerably further than that as it passed the Senate. That was modified.

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

Mr. NORRIS. Yes.

Mr. COPELAND. But, as I see it, when you read (f), the new part of this measure, in connection with (a), you have brought into it an entirely new proposition:

The board shall commence the manufacture of fixed nitrogen at Muscle Shoals by the employment of existing facilities (by modernizing existing plants), or by any other process or processes that in its judgment shall appear wise and profitable for the fixation of atmospheric nitrogen. The fixed nitrogen for fertilizer provided for in this act shall be in such form and in combination with such other ingredients as shall make such nitrogen immediately available and practical for use by farmers in application to soil and crops.

That is all new, not in the Senate bill.

Mr. NORRIS. Does the Senator object to any of that language? There is nothing wrong about that, is there?

Mr. COPELAND. It opens up the very question which the junior Senator from Maryland [Mr. TYRINGS] raised in not very temperate terms.

Mr. NORRIS. If he is going to do anything with those plants, he certainly is going to do the very things the Senator has read. That was in the House joint resolution.

Mr. COPELAND. That was in the House joint resolution. It was not in the Senate joint resolution.

Mr. NORRIS. No; not all of it. Part of it is in the Senate joint resolution.

Mr. COPELAND. Also, when you go back to paragraph (a), you have new matter not in the Senate joint resolution there, where you are to produce by-products.

Mr. NORRIS. Now, let the Senator go to section 4—I said it was section 9—go to the Senate joint resolution and read section 4, and he will find that we went much further than that in section 4; and that was one of the things that were insisted on by many Senators on the other side of the Chamber before they would support the measure.

Mr. COPELAND. Does the Senator mean section 4 as found in the joint resolution that I have before me?

Mr. NORRIS. No; that is section 2.

Mr. COPELAND. The Senator means section 9?

Mr. NORRIS. Yes.

Mr. SMITH. It is section 4 of the Senate joint resolution.

Mr. NORRIS. The Senator from New York has a different print there.

Mr. COPELAND. But it is section 9 as found in my copy of the joint resolution?

Mr. NORRIS. Yes.

Mr. BRUCE. Mr. President, may I interrupt the Senator?

Mr. NORRIS. Will not the Senator let me finish reading this which I have just started to read?

Mr. BRUCE. Yes.

Mr. NORRIS (reading):

(g) Under the authority of this act the board may donate not exceeding 1 per cent of the total product of the plant or plants operated by it to be fairly and equitably distributed through the agency of county demonstration agents, agricultural colleges, or otherwise as the board may direct for experimentation, education, and introduction of the use of such products in cooperation with practical farmers so as to obtain information as to the value, effect, and best methods of use of same.

(h) The board is authorized to make alterations, modifications, or improvements in existing plants and facilities and to construct and operate new plants and facilities in order to effectuate properly the provisions of this act.

(i) To establish, maintain, and operate laboratories and experimental plants, and to undertake experiments for the purpose of enabling the corporation to furnish nitrogen products for military and agricultural purposes in the most economical manner and at the highest standard of efficiency.

(j) The board shall have power to request the assistance and advice of any officer, agent, or employee of any executive department or of any independent office of the United States, to enable the corporation the better to carry out its powers successfully, and the President shall, if in his opinion the public interest, service, and economy so require, direct that such assistance, advice, and service be rendered to the corporation, and any individual that may be by the President directed to render such assistance, advice, and service shall be thereafter subject to the orders, rules, and regulations of the board and of the general manager.

(k) Upon the requisition of the Secretary of War or the Secretary of the Navy to manufacture for and sell at cost to the United States explosives or their nitrogenous content.

(l) Upon the requisition of the Secretary of War the corporation shall allot and deliver without charge to the War Department so much power as shall be necessary in the judgment of said department for use in operation of all locks, lifts, or other facilities in aid of navigation.

Now I yield to the Senator from Maryland.

Mr. BRUCE. Mr. President, it would seem that the Senator from New York [Mr. COPELAND] voted for the Norris joint resolution when it provided merely that the Government should go into the electric light and power business; and it would seem that the Senator from Virginia [Mr. GLASS] did the same thing, as I understood him a few moments ago. If there is no reason why the Government should not go into the electric light and power business, is there any reason why it should not go into the fertilizer business?

The Senator from Virginia, with an indignant wave of his hand, doomed the entire private electric light and power business of this country to destruction, and yet at the same time he rises up in revolt at the thought that the fertilizer business of this country should be destroyed by Government competition.

Mr. GLASS. Mr. President, the Senators from Maryland are addicted to a great deal of exaggeration here this evening. I did not doom any of them at all; but there are some with which I have had transactions that I would not mind dooming.

Mr. BRUCE. But the Senator surely would not base such a broad generalization as the expediency of destroying the entire electric-light and power industry of the country simply upon the fact that some particular little electric-light and power company, perhaps down in Lynchburg, Va., had overcharged him for electricity?

Mr. GLASS. No; and I have not suggested any such thing; and, as I say, the Senator from Maryland, in controversy with me, invariably misrepresents my position and invariably exaggerates.

Mr. BRUCE. I expected that, Mr. President.

Mr. GLASS. Of course. The Senator invited it.

Mr. BRUCE. That is part of the penalty I always pay—

Mr. GLASS. It is the penalty the Senator always pays when he misrepresents his colleagues here, and he ought to pay it.

Mr. BRUCE. It is part of the penalty I invariably pay, no matter how moderate or self-restrained I may be.

Mr. GLASS. The Senator is never moderate, and is never self-restrained. I have never yet affronted him in this body, but he has frequently affronted me.

Mr. BRUCE. How can any human being—

The PRESIDING OFFICER. To whom does the Senator from Nebraska yield?

Mr. NORRIS. I do not yield to the Senator.

Mr. HEFLIN. Mr. President, I rise to a point of order.

Mr. BRUCE. I asked a perfectly respectful question—

The PRESIDING OFFICER. The Senator from Nebraska has the floor.

Mr. BRUCE. What I meant to say, if the Senator will allow me—

The PRESIDING OFFICER. The Senator from Nebraska has the floor. Does he yield; and if so, to whom?

Mr. ROBINSON of Arkansas. The Senator has refused to yield.

Mr. BRUCE. I did not understand that he had refused to yield to me.

Mr. NORRIS. I do not refuse to yield if the Senator from Maryland wants to ask me a question; but I do not care to yield for some outside discussion.

Mr. BRUCE. I think the Senator is perfectly right, especially when it takes the direction that the observations of the Senator from Virginia took.

Mr. GLASS. Well, of course—

Mr. BRUCE. I decline to be interrupted by the Senator from Virginia, if I have any standing on the floor.

Mr. NORRIS. Mr. President, I decline to yield to the Senator from Maryland when he is continually talking to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Nebraska has the floor.

Mr. BRUCE. I promise the Senator from Nebraska that I shall have nothing more to say to the Senator from Virginia.

Mr. NORRIS. Now does the Senator want to ask me a question?

Mr. BRUCE. All I want to say is this: I can not see just why the Senator from Nebraska thought that it was necessary for him to defend his thesis that the Government has a perfect right to go into the fertilizer business, when the Senator from Virginia and the Senator from New York voted for the Norris joint resolution when it provided only for Government competition with electric light and power.

Mr. NORRIS. I decline to yield further to the Senator. I want to read a provision of this measure as it passed the Senate to these Senators who, I think, will realize that they are mis-

representing the conditions themselves—of course, unintentionally.

Here is what was in the joint resolution as it passed the Senate:

The Secretary of Agriculture is authorized and directed to utilize nitrate plant No. 2 for experiments in the production of fertilizers by the use of the cyanamide process, to determine whether it is or is not commercially feasible to produce fertilizers by such process.

That far, in substance, we have included it in the conference measure. The rest of it is stricken out; and this is what I am going to read, for the benefit of the Senator from Maryland, that was in the measure as we passed it:

If the Secretary of Agriculture determines that it is commercially feasible to produce fertilizers by the cyanamide process, then such plant shall be used for the production of fertilizers by such process in the largest quantities practicable, and the fertilizers so produced shall be disposed of at the lowest prices practicable, to meet the agricultural demands therefor and effectuate the purposes of this resolution. In the utilization of nitrate plant No. 2 the Secretary of Agriculture shall avail himself of power in the same manner as provided in section 8.

So that we have cut it down somewhat in the conference measure, as I understand it, just a little. The Secretary is not required to carry that on whether it is a good process or a bad process, but he is required to make the experiment to ascertain whether it is right or not, whether it is a feasible proposition commercially. To do that he will have to produce a good many nitrates; I do not know how many. I do not think the man who is going to make the experiment would know, and that is the reason why we can not put it in black and white.

Here is a great, big plant, capable of producing 40,000 tons of nitrates in a year. It costs a whole lot of money to operate it. If it were turned over to me and I were to experiment with it, I do not know whether I would want to operate it to its full capacity to perform that experiment or not. I should have to look into it to see; and I would not know, if I were doing it in good faith, that I was sure about settling the question until I had operated it sufficiently so that there would be no doubt whatever as to whether or not it was a feasible process. In doing that I would have produced probably a good many thousand—probably several thousand, at least—tons of nitrates. I would have to do that in order to find out whether by that process we could extract nitrogen from the air economically and commercially.

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

Mr. NORRIS. Yes; I yield. I should be glad to yield the floor. I have taken up a great deal more time than I had intended to take.

Mr. COPELAND. Do not yield yet. The Senator has pointed out to us in set terms, first, that we are going to build a new dam 300 miles up the river. That was never in the first bill. We never talked about that dam.

Mr. NORRIS. The Senator talks as if I were deceiving somebody about that dam. I never said that was in the first bill. I distinctly said it was not.

Mr. COPELAND. The Senator must not get irritated at me.

Mr. NORRIS. I am not irritated. Do not think that because I am earnest that I am irritated.

Mr. COPELAND. The Senator did not point that out.

Mr. NORRIS. It was not necessary for me to point it out. That was not a part of the joint resolution as it passed the Senate, but it was put in the joint resolution by the House.

Mr. COPELAND. Anyhow, the measure we have before us now has in it that very important addition, a thing which was not in the resolution which we considered and which we passed.

The Senator from Maryland has found fault with me because I voted for a measure providing for a lot of power. I want to call his attention to the fact that I did not vote for this power proposition. I have had the thought about our plant at Muscle Shoals that there was a great plant where we had invested millions of the people's money and made a definite pledge to the American people that we would have an establishment there where we would manufacture certain products which were useful in making ammunition, and that in time of peace it should be operated to make fertilizer. The Senator from Nebraska argued at length in the Sixty-eighth Congress, in the Sixty-ninth Congress, and in this Congress, saying that power is not an essential in the making of fertilizer.

Mr. NORRIS. Let me interrupt the Senator. I have tried to tell him about that before. That is true. Does the Senator deny it?

Mr. COPELAND. I admit that; but I want the Senator, so far as he can, to show how much further this measure goes.

It goes tremendously beyond any point I have ever reached out to before.

Mr. NORRIS. The question of getting nitrogen from the air was originally, as the Senator knows, a matter of the use of what is known as the arc process. That required a great deal of power. That process is used in some places yet, but it is where there is an abundance of cheap power and no sale for it.

Then there was the cyanamide process for getting nitrogen from the air, a process that was not nearly so expensive, that did not take nearly so much power; and that was about the condition of the art when the Great War broke out. We did not have in this country a single plant operated under what is known as the synthetic or Haber process. During the war, when we were about to build this plant down at Muscle Shoals to get nitrogen from the air as a war measure, we knew that Germany was getting nitrogen from the air by what is known as the Haber process, and we built nitrate plant No. 2 down there with the idea of getting nitrogen by the use of the Haber process.

But our scientific men did not know anything about how to work it, and nitrate plant No. 2 was a complete failure, as far as getting any nitrogen from the air was concerned. We established it in good faith, and we spent several million dollars on that plant, but it failed, and the machinery there is nothing but junk, and not a single pound of nitrogen has been extracted from the air through nitrate plant No. 1. Everybody was doing the best he knew how, and the experience there just shows what sometimes happens in the case of experiments made by the Government. The war ended, and our scientists went to Germany and examined her plants and discovered that they were getting nitrogen from the air by the Haber process. The whole scientific world was aroused by it. We commenced over here. I think it was the du Pont people who went up to Syracuse, N. Y., after the war, after our people learned what the people over in Germany were doing, and built a plant to produce nitrogen by the cyanamide process. There was also the Casella process, an Italian process, and there was a modified process of that. Improvements were constantly being made. Every plant was a little better than the one before, until down in Virginia they are building one of the largest plants in the world to produce nitrogen by the synthetic process, which is a modification of the Haber process. Every improvement that has been made, from the time the art was first discovered, when the arc process was used, has resulted in the use of less and less power, just as I said.

That was not true when we built cyanamide plant No. 2. We thought a great deal of power was required. We knew what the cyanamide process was, and we built that plant, and it was up to date. At the time it was built it was as fine a plant of the kind as there was in the world, but it took a great deal of power, although a great deal less than was required in the use of the arc process.

The synthetic process has been improved upon and improved upon. Speaking from memory, now, I think we will be able with about one-third of the expenditure that we put into nitrate plant No. 2—at any rate, it is a great deal less—to build a synthetic-process plant that will have the capacity of cyanamide plant No. 2, and can be operated with one-fifth of the power. In other words, power ceases to be an important consideration in that process. Coal is the important thing, not because it is used for power, but because it is really the raw product. They convert the coal into coke, and with the coke get ammonia; and the only thing they use power for is to operate the machinery. With the cyanamide process the power itself, the electricity we develop there, goes into the system. But under the most modern process, the synthetic process, power is used to operate the machinery, and we use coal to get our nitrogen from the air, while we do not use any coal in the synthetic process. So we are using less and less power.

I want to say to my friend from New York that if we were locating a plant to-day for the purpose of getting nitrogen from the air we would not, in the first place, build a plant like nitrate plant No. 2, and we would not locate it at Muscle Shoals. There is no coke there. We would go where there is cheap coke and use whatever power might be available, as the du Pont people do down at Charleston. Their factory is up at Wilmington, but they go clear to a little suburb within 5 or 6 miles of Charleston, W. Va. They built a plant using the synthetic process for the production of ammonia. They take the ammonia from the air and haul it by freight in tank cars to the plant at Wilmington, and they get their nitrogen for about half what it costs us to get nitrogen from the air at cyanamide plant No. 2.

Mr. COPELAND. Mr. President, the Senator is talking exactly the same scientific language that won me to the support

of his bill last year and the year before, and he made it clear to us that this Muscle Shoals project as developed, and as it might be readily completed, was purely a power project, and the question was how we could best dispose of the power. He talked only about the use of the plant as an experimental plant, where we might work out the problems as to the development of nitrogen and the development of fertilizer. But to-night the Senator from Nebraska comes here and presents to the Senate a project to do what? In the first place, to spend millions—\$37,000,000, I think—of the people's money to build another dam 300 miles up the river, to develop more power, and then the joint resolution he presents to us proposes not alone to do those experimental things in the production of fertilizer that were talked about before, but actually to go into the business of manufacturing and selling fertilizer.

I think the junior Senator from Maryland [Mr. TYDINGS] was a little intemperate in the way he placed the thing before the Senator from Nebraska, but any one of us must ask the question, Is the Government of the United States going deliberately into the manufacture of fertilizer? I am willing to go with the Senator to any length in the way of experimentation, to develop a system of fixing nitrogen, a process of making fertilizer, but this measure, as I read it, is a proposal that the Government of the United States shall go into the fertilizer business, actually to manufacture it and sell it in large quantities to the people of this country.

Furthermore, the Senator is proposing an addition to the joint resolution which makes necessary the sale of more power, because, as he has just represented, the power is not needed for the making of fertilizer. So I contend that we have before us an entirely different measure from the one that went out from the Senate to the House. It is not one to dispose of a white elephant, which is what we have regarded Muscle Shoals. It is not a measure proposing to get rid of that in the most decent way, so as to do the most good for the people by distributing cheap power where it can be used, and providing for experimental work in the production of fertilizer, but we have a proposal now to put the Government into the business of developing more power, and to put the Government into the business of manufacturing fertilizer.

I do not care anything about the propaganda that is put out; I am not interested in it; but if I can read anything in this measure, I can read those two things added to it which were not in it when it went to the House from the Senate. There has been brought back to us by our conferees a joint resolution so utterly different from the one we passed in the Senate that, so far as I am concerned, I am quite in a muddle of mind to know what to do, while last year and the year before I did not hesitate a moment about voting for the bill presented by the Senator from Nebraska.

Mr. SMITH. Mr. President, it seems to me there is quite a bit of confusion about what this measure really intends and what the entire legislation intended. Let me state right at the beginning that there is not a fertilizer-manufacturing plant in America but that would welcome an additional source of nitrogen. There is not a plant in America that produces one-twentieth the amount of nitrogen that is demanded. We import from Chile, and support the Chilean Government by that importation, in order to supply not only the farmers of the country with the nitrogen essential to producing our crops but with the nitrogen essential to the manufacture of explosives for the defense of this country.

We have not a natural source of supply of nitrogen in America. The little adventitious sources from which we get it are the by-products of the coke ovens. It is obtained from certain forms of vegetable matter. But outside of those sources there is no source in all of this great country from which we could get the nitrogen for the defense of the country or with which to make crops, and we must go to Chile for it.

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

Mr. SMITH. I yield.

Mr. TYDINGS. That may be the intention of the bill, but I would like to read this paragraph—

Mr. SMITH. I understand the bill. Just wait a moment.

Mr. TYDINGS. Let me read one paragraph.

Mr. SMITH. No; I am not going to yield now for the reason that I want to call the attention of the Senate to the intent and purpose of this bill and show that it would not be practicable, would not come within the realm of common sense, for the board that we set up here to go into the manufacture of either of the two ingredients that enter into what is known as a balanced fertilizer. It must be remembered that phosphoric acid is produced from the phosphate rocks that are found in unlimited quantities in Tennessee, in Florida, and in South Carolina.

It is a simple process of grinding the phosphate rock to a powder in mill rocks, treating it with sulphuric acid, and then

we have phosphoric acid. They make it in such abundance and so cheaply that it is shipped with the freight added and sold at \$8 and \$9 a ton. It is complete. It is ready for use. Wherever phosphoric acid is indicated for a crop or for the use of agriculture it is ready for use at a price that is practically negligible. Potash is imported in unlimited quantities from Germany, and so cheap is the commercial or fertilizer form of it that it is brought over in ballast and sold in this country at \$8 or \$9 a ton. So we are not concerned about potash or phosphoric acid. We have it in unlimited quantities and abundance.

But the element of nitrogen is a different matter.

In order that Senators may appreciate the necessity for it and the relative cost of it, let me say that kainit, the form in which we get potash, is 16 per cent pure potash. The balance is a salt which has no fertilizing properties, but is not deleterious to the soil. "Phosphoric acid" is as high as 19 per cent pure phosphoric acid. That also is in a carrier that does not add anything to the fertility of the soil, but it is not deleterious to the plant. Remember, they are from 15 to 19 per cent pure, and the cost, on an average, is about \$9 a ton.

Chilean nitrate averages about 14.5 per cent nitrogen and costs \$60 a ton, or at the rate of \$100 to \$125 per ton of fertilizer.

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

Mr. SMITH. I yield.

Mr. BRUCE. May I remind the Senator that he signed the conference report which commits the Government to the business of manufacturing whole fertilizer?

Mr. SMITH. Just let me come to that in my own way. When I introduced the original bill upon all of which this legislation has been founded, it was for the purpose of utilizing the discoveries of science in extracting nitrogen from the air and to make this country independent of importation from a foreign country. The House struck out of the bill one portion of it that referred to a mixed fertilizer. It would not be profitable in any sense of the word for the Government to proceed to make a mixed fertilizer at Muscle Shoals, unless as the Senator from Nebraska [Mr. NORRIS] has indicated, except as an experimental thing in producing a carrier for the nitrogen. They could not improve upon the process now. It is so simple, so direct, so cheap, that it would not be necessary to set up any machinery at all. The fact of the business is that kainit is nothing in the world but evaporated salts pumped from the mines in Germany. There is no processing it at all and there is scarcely any in the production of phosphoric acid.

The proposition here is, and the one that controlled the conference was, that as cyanamide had been tried by the farmers it would scorch the plant; it would affect the land so that it could not be used directly from the plant to the farmer. Necessarily it had to be taken, as nitric acid would be taken, in its raw form and combined with other ingredients at a factory or a mixing plant in order to make it available for the farmer to use. We incorporated in the bill a provision that was practically the same as in the House bill, that the nitrogen produced at Muscle Shoals should be put in some form, like nitrate of soda or sulphate of nitrogen or phosphate of nitrogen, that would be easily and readily available for the farmer to use without injuring the crop and without injuring the individual who put it out on the crop or on the land.

I want to impress on every Senator present that there is nothing in the bill that could in any way jeopardize an existing fertilizer-manufacturing plant for that reason.

Mr. BRUCE. Mr. President—

Mr. SMITH. The main object of the bill is for the production of nitrogen—

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

Mr. SMITH. I would be perfectly willing—

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

Mr. SMITH. Just a moment, until I finish my sentence. I would be perfectly willing, and I think it would answer every purpose of the farmers of the country, to provide for the production of nitrogen in such form as to be readily available and directly possible of application on the soil, without ever naming fertilizer.

Mr. TYDINGS and Mr. BRUCE addressed the Chair.

The VICE PRESIDENT. Does the Senator from South Carolina yield; and if so, to whom?

Mr. SMITH. I yield first to the senior Senator from Maryland.

Mr. BRUCE. Now the Senator, if I may say so, is getting back to the bill as it should be, but not to the bill as it is. In reading the conference report I find, among other things:

SEC. 5. The board is hereby authorized and directed (a) to operate existing plants, to construct, maintain, and operate experiment or production plants at or near Muscle Shoals for the manufacture, distribu-

tion, and sale of fertilizer or any of the ingredients comprising fertilizer.

There is the full power, to use the commercial expression, to manufacture the full fertilizer—that is to say, fertilizer with the ingredients of phosphoric acid and nitrogen and potash—or any of the ingredients comprising fertilizer; that is to say, potash or phosphoric acid or nitrogen separately considered.

Mr. SMITH. I will state to the Senator that that was in the original bill which was passed by the Senate, word for word. That is the identical language of the bill as it was passed by the Senate before.

Mr. BRUCE. But now the conferees have retained it.

Mr. SMITH. They have retained it. The argument made when the bill was on its passage in the Senate was that experimentation had been made by the Government in order to utilize certain phosphate rock that had a very high percentage of iron, which lay within the regions that needed phosphoric acid, and that the Government, at its experimental stations, had found a process by which phosphate rock that was high in iron percentage could be converted into phosphoric acid by a new process which otherwise rendered the phosphate rock useless, because it was known by actual experimentation that the phosphate rock which was high in iron percentage would neutralize the sulphuric acid, and we would get no phosphoric acid, and the large beds that were conveniently located were abandoned. But the Government found a process by which, in a superheated oven, they could put the phosphate rock and by also putting into that superheated oven just common road sand they would get a form of phosphoric acid.

Mr. BRUCE. Mr. President, may I interrupt the Senator a moment further?

Mr. SMITH. I yield.

Mr. BRUCE. Let me call the Senator's attention to the fact that the conference measure goes much further than that. It not only authorizes the Government to engage in the manufacture, distribution, and sale of complete fertilizer but, indeed, if the Government plants do not produce a sufficient supply of complete fertilizer to satisfy the agricultural needs, even to contract with commercial producers for the production of such fertilizers as may be needed in excess of that produced in Government plants. I think the Senator must have been half asleep when he attached his signature to the conference report, although he is very wide awake now, I must admit, and is indicating far more familiarity with the processes of making fertilizer than any of the rest of the Senators who have spoken.

Mr. SMITH. If the Senator had been dependent for his livelihood on the application of artificial fertilizer to the soil and, when he had made his crop, would have to give about all his crop brought him to pay for the fertilizer and just had the privilege of retaining enough to keep alive, he would have been pretty familiar with the processes, too.

I am not alone in that; there are millions in my condition. I will say that 50 per cent of the average producers of staple crops on the Atlantic seaboard make a bare living out of the land which they own and on which they pay taxes; the remainder of their income goes to the fertilizer account. I will challenge any man from Georgia, North Carolina, South Carolina, or Florida to gainsay that statement. When it is realized that under the present price of nitrogen it costs from \$10 to \$15 to fertilize an acre of land the burden that is upon the farmers of the Atlantic seaboard can be appreciated. We get Chilean nitrate at practically a reasonable price as to cost shipside in Chile, but when it reaches the farmer its price is almost prohibitive. It was for that reason that the original bill in regard to the use of Muscle Shoals was introduced.

Now coming back to the suggestion of the Senator from Maryland, we are trying to find a process by which we can save, as I recall, something like \$50,000,000 or \$60,000,000 a year, which we pay in freight on what is called filler. When it is realized that only 16 per cent of a ton of acid is acid phosphate, that in a ton of nitrate of soda only 16 per cent, or 16 pounds to the hundred, is actual fertilizer, and that the same proportion holds as to potash, it can be understood that when we are paying \$2.50 freight we are paying it for about 300 pounds of actual plant food and for 1,700 pounds of dirt.

Who is going to pay the overhead work and the other expenses in order to develop a process by which the pure salt of acid phosphate, the pure salt of potash, and the pure salt of the nitrogen can be so combined and prepared that, as the Government in its experiment station has actually demonstrated, there can be obtained 1,900 pounds out of a short ton of pure actual plant food, thus saving the freight on 1,700 pounds of dirt?

We tried to make the Muscle Shoals joint resolution as broad and as liberal as possible, looking toward the solution of the

problem which, unsolved, is resulting in the impoverishment of every farmer. I state here and now that if the farmers could obtain the same price for their market crops that they now get and their fertilizer bill could be cut in two, it would spell prosperity to the entire South. Take the fertilizer bills and see what a large percentage of the proceeds of the crop of the farmers on the Atlantic seaboard goes into the coffers of the Fertilizer Trust and of the railroads.

Does the Senator from Maryland and do my colleagues not think it is worth the while of the Government to experiment in its laboratories with blowpipe, test tube, and retort so as to help solve the problem that is bearing down on American agriculture in connection with the fertilization of the soil? As the Senator from Nebraska said, when we shall have discovered a process that will solve the problem, then it will be open to every fertilizer plant to take advantage of what the Government has ascertained, to produce fertilizer in concentrated form, and to eliminate the tremendous expense involved in hauling the filler or the dirt.

Mr. GLASS. Mr. President—

The PRESIDING OFFICER (Mr. GEORGE in the chair). Does the Senator from South Carolina yield to the Senator from Virginia?

Mr. SMITH. I yield.

Mr. GLASS. I do not understand that anybody is especially objecting, or objecting at all, to experimentation. That is what I understood I was voting for when I voted for the Senate joint resolution. I may have been misinformed, or, rather, I may not have completely informed myself; but I distinctly understood that what I was voting for was, primarily, a power measure and incidentally a measure to provide for scientific experimentation by the Government in producing nitrogen in a sufficient quantity to relieve the distress of farmers who are compelled to use fertilizer. I did not dream that I was voting for a measure to put the Government into the business of commercially producing and commercially buying and commercially selling complete fertilizer.

Mr. SMITH. That is exactly what the Senator voted for; we have not changed a word. I say that is exactly what the Senator voted for; I mean the language that he is interpreting to mean that is still in the joint resolution. I frankly admit that the language seems to indicate what the Senator suggests, if portions of the measure be considered alone; but if he will read the entire joint resolution and correctly appraise the expressions contained in the different paragraphs, I think the Senator will agree with me and agree with the Senator from Nebraska that the joint resolution provides for such experimentation as he has in mind. It sanctions experimentation and it also mentions production and sale; but those are necessary incidents if any amount of the product is to be accumulated under any system of experimentation. However, the joint resolution goes still further and says that whenever a process shall have been developed the ingredient shall be sold, which means, as it did in my original bill and as I think it does in the pending measure, that whenever they have developed a process by which a nitrogenous substance can be produced to meet the needs of the farmers, that it shall be sold in the quantities in which it is produced.

Now, let me call the attention of the Senator from Virginia to the fact that if we were to provide sufficient nitrogen to furnish every farmer in America with it we would not come in competition with a single commercial plant.

Mr. GLASS. May I ask the Senator why we did not confine this experimental process to the production of nitrogen? I should have attempted to do that in the Senate had I been as alert about this matter as I am attempting to be this evening; but is it not a fact that the House did do that—that the House did strike out this language which now may be interpreted into a movement to put the Government commercially into the fertilizer business?

Mr. SMITH. We thought so until the joint resolution came over, and there was in the House joint resolution language that you will find here that is almost a duplicate of the Senate language about the manufacture of fertilizer.

May I say to the Senator from Virginia—now, this is a fact, and "honest confession is good for the soul"—that a good many of those who framed this bill did not differentiate between nitrogen and fertilizer. They thought they were synonymous terms. A good many of them did understand the difference; and those that did not and those that did had no common meeting ground, and they have used the terms interchangeably throughout this bill—"fixed nitrogen," "fertilizer," "fixed nitrogen."

Individually, I should be perfectly willing to take this conference report, rather than see it fail, and wherever the word "fertilizer" appears, strike it out and insert "nitrogen," and

then state that that nitrogen should be put in such form that it would be easily available and practical for use on soils and do violence to nobody, because, as I say, the aim and object of this entire joint resolution and of the original joint resolution, of which I had the honor to be the author, was to furnish an abundance of nitrogen because it is the sine qua non of fertilization.

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

Mr. SMITH. Yes.

Mr. TYDINGS. The Senator would also be in favor, would he not, of striking out, in connection with what he has just said, this paragraph:

To contract with commercial producers for the production of such fertilizers or fertilizer materials as may be needed in the Government's program of development and introduction in excess of that produced by Government plants.

Mr. SMITH. Let me state right here and now that, rather than jeopardize what I know is necessary for agriculture, I should be perfectly willing, rather than lose this opportunity to help solve their problems, in a half dozen lines—I took my pen to-night—

Mr. TYDINGS. I was going to say that I would offer an amendment to that effect if I felt the Senator and his conferees—

Mr. SMITH. We can not amend a conference report.

Mr. TYDINGS. No; we can instruct, however.

Mr. SMITH. The only thing we could do would be to instruct the conferees along this line; and there are only seven places that we would have to touch.

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

Mr. SMITH. I yield.

Mr. COPELAND. This is what the Senator has in mind, is it not—that, instead of providing for the manufacture of fertilizer, he would make use of this magnificent plant for the fixation of nitrogen?

Mr. SMITH. Yes.

Mr. COPELAND. Because we have to import our nitrogen.

Mr. SMITH. Yes.

Mr. COPELAND. We have no place to get it.

Mr. SMITH. No.

Mr. COPELAND. Then if the Government should go into the business of making nitrogen, every fertilizer concern in the country would rejoice because it would have a source of supply.

Mr. SMITH. Why, of course.

Mr. COPELAND. Why did not the conferees do that?

Mr. SMITH. Mark this, Mr. President: We have not put a word in this conference report that was not in either the Senate joint resolution or the House joint resolution.

Mr. COPELAND. Yes.

Mr. GLASS. But did not the House take out some words, and those words to which some of us are now objecting?

Mr. SMITH. It did not.

Mr. GLASS. I understood that the House confined the operation of the plant, aside from the power that it would afford, and its distribution, to the process of producing nitrogen.

Mr. SMITH. That must have been their intent; but they struck it out in one line and, as the Senator from Nebraska will bear me out, they left the word "fertilizer" and the use of it in the entire House joint resolution.

Mr. GLASS. Then why did not you gentlemen in conference strike it out, and avoid the very controversy which you are encountering now?

Mr. SMITH. For the simple reason that there did not appear to be a fixed determination on the part of the House. They did not have a roll call, and we were not in a position to know just exactly what was their attitude; but I will say to the Senator from Virginia, as I said to the conferees, that if you will so frame this measure, if that is the wish of the House—it was my intent and purpose from the beginning—if you will so word this measure as to devote Muscle Shoals, and, if necessary, every ounce of horsepower, to the production of nitrogen, and that nitrogen in such form that it can be immediately available and usable for the farmer, individually, I would welcome such a thing.

Mr. GLASS. But that would be a chemical impossibility. It would be a physical impossibility to produce nitrogen at Muscle Shoals that would be readily available for the farmer to put immediately on his land without mixture with phosphate.

Mr. SMITH. Mr. President, I use it right now, and if the Senator from Virginia is a farmer he uses it, without any mixture whatever with anything else, if he gets it in the form of a salt. Now, mark you, the nitrate of soda that we import from Chile has a soda matrix that has no fertilizer property, but does put the nitrogen in such form that it can be handled.

They have a process by which they can combine it with a material that is a good carrier, and makes it readily available.

What I was driving at is this: I do not want them, under the joint resolution, to go down there and produce nitrogen in the form of a liquid that is extremely inflammable and dangerous to handle. They could meet every requirement of the joint resolution by producing so many tons of nitrogen in a form that would be practically useless to a farmer; but if they will combine it with certain forms of earth in a reasonable amount they can crystallize it so that you have nothing but nitrogen, but in a form that is practical and available for use on the farm.

Mr. GLASS. But, I ask the Senator, to do that is it necessary to put the Government commercially in the fertilizer business?

Mr. SMITH. No.

Mr. GLASS. That is what I am afraid this joint resolution does as reported from the conference committee.

Mr. SMITH. I think the Government ought to go into the nitrogen business commercially. Chile is in it, and we have no plant. When we have gone through the experimental stages and have developed a process by which nitrogen can be produced in abundance to meet the needs of American agriculture, when the cost and a reasonable profit shall have been ascertained, I shall not object to the Government leasing the plant for promulgating the process in every State in the Union; but I do not think we ought to spend \$200,000,000 in trying to solve a problem for the benefit of agriculture and now scrap it, and either leave it as a power plant or turn it over to individuals who may or may not develop the process.

Mr. GLASS. Neither do I.

Mr. SMITH. Very well. I am glad the Senator agrees with me.

Mr. GLASS. What I am concerned about now is my own consistency here in the Senate.

I voted for the Senate joint resolution with the understanding that it was primarily a power project, and, incidentally, a project in connection with which the Government would be charged to produce nitrogen in sufficient quantities to relieve the agricultural condition in the country with respect to fertilizer; but I never dreamed of voting for a joint resolution that would actually put the Government into the commercial business of buying, mixing, and selling fertilizer.

Mr. SMITH. Let me ask the Senator a question. The Senator would be perfectly willing to vote for a measure that would put the Government into the manufacture of nitrogen from the air at Muscle Shoals to the fullest possible extent, experimenting as it produced it in order to develop a process by which it would be practical and commercial?

Mr. GLASS. Well, yes; but I would not be frank with the Senator should I not state that I have never had one particle of faith in the suggestion that that could be effectively done or would be effectively done at Muscle Shoals, although I am perfectly willing, as an incident to the operation of the Government property there, to experiment with that.

RECESS

The PRESIDING OFFICER. The hour of 10.30 o'clock having arrived, the Senate, under its order of to-day, will stand in recess until 12 o'clock noon to-morrow.

Thereupon (at 10.30 o'clock p. m.) the Senate, under the order previously entered, took a recess until to-morrow, Wednesday, May 23, 1928, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate May 22 (legislative day of May 3), 1928

POSTMASTERS

ARIZONA

June S. Haymond to be postmaster at Claypool, Ariz., in place of J. S. Haymond. Incumbent's commission expires June 6, 1928.

Robert B. Anderson to be postmaster at Clifton, Ariz., in place of R. B. Anderson. Incumbent's commission expires May 24, 1928.

COLORADO

Sherman Bohnet to be postmaster at Somerset, Colo., in place of Sherman Bohnet. Incumbent's commission expired February 11, 1928.

Arch J. Miller to be postmaster at Wray, Colo., in place of J. W. Hultquist, removed.

HAWAII

Antone Silva to be postmaster at Hawi, Hawaii, in place of Antone Silva. Incumbent's commission expires June 5, 1928.

William K. Kelli to be postmaster at Wahiawa, Hawaii, in place of W. K. Kelli. Incumbent's commission expires June 5, 1928.

ILLINOIS

William Georger to be postmaster at New Baden, Ill., in place of William Georger. Incumbent's commission expires June 6, 1928.

Harry B. Potter to be postmaster at Marshall, Ill., in place of J. W. Lewis. Incumbent's commission expired January 7, 1928.

Hiram B. Rutherford to be postmaster at Newman, Ill., in place of H. B. Rutherford. Incumbent's commission expires June 6, 1928.

Kate M. Weis to be postmaster at Tentopolis, Ill., in place of K. M. Weis. Incumbent's commission expires May 23, 1928.

Leon M. Shugart to be postmaster at Pontiac, Ill., in place of C. W. Ong. Incumbent's commission expired January 7, 1928.

INDIANA

T. M. Long to be postmaster at Butler, Ind., in place of R. C. Campbell. Incumbent's commission expired February 29, 1928.

Cora Lucas to be postmaster at New Haven, Ind., in place of Willard Lucas, deceased.

KENTUCKY

Howard C. Pentecost to be postmaster at Corydon, Ky., in place of H. C. Pentecost. Incumbent's commission expired February 29, 1928.

Clyde S. England to be postmaster at Russell, Ky., in place of C. S. England. Incumbent's commission expired May 12, 1928.

MAINE

Linwood B. Jones to be postmaster at Winthrop, Me., in place of L. B. Jones. Incumbent's commission expires June 6, 1928.

MARYLAND

George S. Stevens to be postmaster at Millington, Md., in place of G. S. Stevens. Incumbent's commission expired January 7, 1928.

Elmore H. Owens to be postmaster at Perryville, Md., in place of E. H. Owens. Incumbent's commission expired January 7, 1928.

Clare N. Payne to be postmaster at Preston, Md., in place of C. N. Payne. Incumbent's commission expires June 4, 1928.

MASSACHUSETTS

James J. Murtaugh to be postmaster at Hopkinton, Mass., in place of J. J. Murtaugh. Incumbent's commission expires June 5, 1928.

Fred W. Trasher to be postmaster at Marblehead, Mass., in place of F. W. Trasher. Incumbent's commission expires May 22, 1928.

MINNESOTA

Ralph G. Hosfield to be postmaster at Medford, Minn., in place of R. G. Hosfield. Incumbent's commission expired March 3, 1927.

MISSISSIPPI

Blanche J. Whittington to be postmaster at Tutwiler, Miss., in place of J. L. Donald. Incumbent's commission expired February 14, 1927.

MISSOURI

Fred Robinette to be postmaster at Bolckow, Mo., in place of O. P. Pettigrew. Incumbent's commission expired March 14, 1928.

John L. Wilkinson to be postmaster at Piedmont, Mo., in place of S. S. Freeman. Incumbent's commission expired January 14, 1928.

Lester C. Boyles to be postmaster at Urich, Mo., in place of L. C. Boyles. Incumbent's commission expires June 5, 1928.

Louis N. Walker to be postmaster at Holmes Park, Mo. Office became presidential January 1, 1928.

NEBRASKA

Carl P. Smiley to be postmaster at Beaver Crossing, Nebr., in place of C. P. Smiley. Incumbent's commission expires June 6, 1928.

J. Ned Allison to be postmaster at Gering, Nebr., in place of J. N. Allison. Incumbent's commission expires June 6, 1928.

Lewis L. Swindell to be postmaster at Mascot, Nebr., in place of C. B. Grace, resigned.

Given G. Reber to be postmaster at Naper, Nebr., in place of C. E. Putnam, removed.

NEW YORK

Clarence E. Snyder to be postmaster at Glenfield, N. Y., in place of C. E. Snyder. Incumbent's commission expired May 5, 1928.

William L. Froehley to be postmaster at Hamburg, N. Y., in place of W. L. Froehley. Incumbent's commission expired January 8, 1928.

Manford J. Pfister to be postmaster at Great Bend, N. Y. Office became presidential July 1, 1926.

NORTH CAROLINA

George A. Woods to be postmaster at Nazareth, N. C., in place of G. A. Woods. Incumbent's commission expired December 4, 1926.

OHIO

Jerome H. C. Goodhart to be postmaster at Brewster, Ohio, in place of J. H. C. Goodhart. Incumbent's commission expires May 24, 1928.

William A. Ray to be postmaster at Mount Sterling, Ohio, in place of W. A. Ray. Incumbent's commission expires June 5, 1928.

Rufus A. Borland to be postmaster at West Jefferson, Ohio, in place of R. A. Borland. Incumbent's commission expired March 1, 1928.

OKLAHOMA

Louis G. Scott to be postmaster at Stroud, Okla., in place of L. G. Scott. Incumbent's commission expired January 14, 1928.

Jeane H. Sisson to be postmaster at Mounds, Okla., in place of J. W. Evans, removed.

PENNSYLVANIA

Mary K. Schambach to be postmaster at Beaver Springs, Pa., in place of M. K. Schambach. Incumbent's commission expired March 22, 1928.

Mertie T. Hallett to be postmaster at Devon, Pa., in place of M. T. Hallett. Incumbent's commission expires June 6, 1928.

John P. Rodger to be postmaster at Hooversville, Pa., in place of J. P. Rodger. Incumbent's commission expired April 3, 1928.

Wellesley H. Greathead to be postmaster at McConnellsburg, Pa., in place of W. H. Greathead. Incumbent's commission expired January 8, 1928.

James I. Steel to be postmaster at Shamokin, Pa., in place of J. I. Steel. Incumbent's commission expired May 3, 1928.

William H. Deppen to be postmaster at Sunbury, Pa., in place of W. H. Deppen. Incumbent's commission expires June 6, 1928.

George N. Turner to be postmaster at Toughkenamon, Pa., in place of G. N. Turner. Incumbent's commission expired January 8, 1928.

SOUTH CAROLINA

Benjamin D. Bedell to be postmaster at Ridgeland, S. C., in place of S. C. Taylor, resigned.

SOUTH DAKOTA

Benjamin D. Kidman to be postmaster at Big Stone City, S. Dak., in place of B. D. Kidman. Incumbent's commission expired December 18, 1927.

Hattie L. Meyer to be postmaster at Florence, S. Dak., in place of H. L. Meyer. Incumbent's commission expired December 18, 1927.

Alton E. Lewis to be postmaster at Henry, S. Dak., in place of A. E. Lewis. Incumbent's commission expired December 18, 1927.

Albert Koehne to be postmaster at Oldham, S. Dak., in place of Albert Koehne. Incumbent's commission expired December 18, 1927.

Albert A. Abel to be postmaster at Selby, S. Dak., in place of Robert Abel. Incumbent's commission expired February 8, 1928.

TENNESSEE

Jesse B. McCasland to be postmaster at Goodlettsville, Tenn., in place of C. S. Waters. Incumbent's commission expired July 31, 1926.

Thomas W. Williams to be postmaster at Lucy, Tenn., in place of T. W. Williams. Incumbent's commission expired March 1, 1928.

Joseph W. Callis to be postmaster at Germantown, Tenn. Office became presidential July 1, 1927.

TEXAS

Emil E. Fahrenkamp to be postmaster at Big Spring, Tex., in place of J. W. Ward, deceased.

WISCONSIN

Castor H. Kuehl to be postmaster at Brillion, Wis., in place of C. H. Kuehl. Incumbent's commission expired January 17, 1928.

Conrad Baetz to be postmaster at Two Rivers, Wis., in place of Conrad Baetz. Incumbent's commission expired January 17, 1928.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 22 (legislative day of May 3), 1928

MEMBER OF FEDERAL RESERVE BOARD

Edmund Platt.

ATTORNEY GENERAL FOR PORTO RICO

James R. Beverley.

UNITED STATES COAST GUARD

To be lieutenants (junior grade)

Clifford D. Feak.	George N. Bernier.
Eugene S. Endom.	Leonard M. Melka.
Philip E. Shaw.	Earle G. Brooks.

To be lieutenants (temporary)

Chester McP. Anderson.	William H. Jacobson.
Arthur J. Craig.	Edward S. Moale.
Harold B. Adams.	Edward W. Holtz.
William J. Austermann.	

To be lieutenants (junior grade) (temporary)

Ernest A. Ninness.	Archibald J. Maclean.
Hugh V. Hopkins.	Chester A. A. Anderson.
Edward E. Hahn, jr.	Ellis P. Skolfield.
William Bowman.	Dorian E. Todd.

To be ensigns

Frank K. Johnson.	Dale T. Carroll.
Chester W. Thompson.	Samuel F. Gray.
Frederick G. Eastman.	Wilbur C. Hogan.
Leslie D. Edwards.	Kenneth P. Maley.
Edwin C. Whitfield.	Leon H. Morine.
DeEarle M. Logsdon.	Carl B. Olsen.
Watson A. Burton.	Earl K. Rhodes.
Walter C. Capron.	Thomas M. Rommel.

UNITED STATES MARSHAL

Henry C. W. Laubenheimer to be United States marshal, northern district of Illinois.

APPOINTMENTS, BY PROMOTION, IN THE ARMY

To be major generals

Paul Bernard Malone.
Charles Dudley Rhodes.

To be brigadier generals

Lytle Brown, Corps of Engineers.
Charles Evans Kilbourne, Coast Artillery Corps.
Hamilton Smith Hawkins, Cavalry.

To be colonels

Lorenzo Dow Gasser.
Jennings Benjamin Wilson.
William Oury Smith.

To be lieutenant colonels

Robert Melville Danford.
James Kerr Crain.
Carr Wilson Waller.
Richard James Herman.
Matthew Arthur Cross.

To be majors

James Donald MacMullen.
Ralph Townsend Heard.
Charles Wright Bundy.
Charles Douglas Yelverton Ostrom.
Turner Mason Chambliss.
Donald Malpas Cole.

To be captains

Bernard Clark Dailey.
Eduardo Andino.
Robert Elwyn DeMerritt.
James Franklin Powell.
William Dalton Hohenthal.
James Ralph Lowder.
John Thomas Schneider.

To be first lieutenants

Joseph Ingham Greene.
Abner Judson McGehee.
Valentine Roy Smith.
George William Hartnell.
Joseph Anthony Cella.
James Boyce Carroll.
John Ellsworth Adkins, jr.

POSTMASTERS

ALABAMA

Hugh H. Dale, Camden.
Louie W. Vaughan, Cuba.
Howard F. Little, Linden.
Roy A. Lifsey, Montgomery.
William L. Jones, Parrish.
Alden M. Wallace, Tuskegee.

CALIFORNIA

Belle Hicks, Armona.
Roland L. Curran, Bakersfield.
W. Wallace Watson, Beaumont.
Lola P. Neff, Biggs.
Lula M. Dunn, Capitola.
John H. B. Speer, Delano.
Lola F. Thornton, Durham.
John H. Dodson, El Cajon.
Charles H. Coffey, jr., Gonzales.
M. Earle Adams, Healdsburg.
Lewis E. Leavell, Novato.
William C. Werry, Palo Alto.
Edward A. Baker, Point Loma.
Myrtle H. Turner, Reseda.
Louis P. Miller, Rio Vista.
John H. Strauch, jr., San Gabriel.
Ernest R. Rhymes, Sanitarium.
Earle R. Hawley, Stockton.
Alfred Gourdiere, Torrance.
Alexander R. Thomas, Ukiah.
William Braucht, Whittier.
Harry E. Meyers, Yuba City.

COLORADO

John E. Harron, Alamosa.
William V. Kerr, Eads.

ILLINOIS

Secondo V. Donna, Braidwood.
Harold H. Myers, Leaf River.
Edwin B. Gardner, Mazon.
Walter J. Walsh, McHenry.
Daisy F. Lynk, Mokena.
Walter H. Sass, Monee.
Minnie E. Prange, New Douglas.
Wallace G. Harsh, Peotone.
Wallace Leach, Wayne City.

MINNESOTA

Carl H. Schuster, Biwabik.
Harold R. Portmann, Currie.
Nettie A. Perrell, Elysian.
Anthony L. LaFreniere, Grand Rapids.
George E. Van Buren, Le Roy.
Herbert M. Hauck, Mankato.
Sidney D. Wilcox, Park Rapids.
Lillian A. Peterson, Villard.

MONTANA

Wedsel J. Hartman, Broadview.
Oswald M. Johnson, Chinook.
Ray R. Porter, Neilhart.
Arnold D. Ferris, Sidney.
Maurice D. Holmes, White Sulphur Springs.

NEBRASKA

Harry E. Welch, Edgar.
Frederick A. Mellberg, Newman Grove.

NEW YORK

Elsie V. Webb, Union Springs.

OKLAHOMA

Helen M. Lutes, Bennington.
Samuel H. Bundy, Bethany.
Hubbard Ross, Fort Gibson.
Chester P. Keil, Fort Towson.
Leslie C. Mendenhall, Seiling.

PENNSYLVANIA

Howard S. Kiess, Blossburg.
George A. Frantz, Confluence.
Lionel W. Stevens, Knoxville.
William M. Overholt, Mount Pleasant.
William Percy, Scottsdale.
Ray J. Crowthers, West Elizabeth.
Lewis E. Knapp, Westfield.
Harry A. Garner, Wyomissing.

SOUTH DAKOTA

William R. Amoo, Morrissetown.
Goodwin L. Hansen, Wasta.

UTAH

John McPhee, Salt Lake City.

HOUSE OF REPRESENTATIVES

TUESDAY, May 22, 1928

The House met at 12 o'clock noon.

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

Lord God of Hosts, while the days of our pilgrimage are hurrying by, we thank Thee that Thy merciful providence is attending us. We have beating human hearts that laugh and weep and help us to give daily gladness as we pass by. Bless us with wit to work and with faith to keep us brave and true. Lift all of us above the corroding vices of weakness and fear, for at times they crush our hopes until they bleed. Give us hearts that pass on the praise of Him to those who feel the arrows of distress. Enable us to bear the yoke of service without complaint and to perform our duty in the spirit of a high privilege. When we falter or fail hold us with Thy gentle hand. When sorrow shades the skies of blue let in the azure, that it may gleam once more above the heads on this journey road. Through Christ our Savior. Amen.

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

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed with amendments the bill (H. R. 1) entitled "An act to reduce and equalize taxation, provide revenue, and for other purposes," insists upon its amendments, asks a conference with the House of Representatives on the said bill and amendments thereto, and appoints Mr. SMOOT, Mr. McLEAN, Mr. REED of Pennsylvania, Mr. SIMMONS, and Mr. GERRY to be the conferees on the part of the Senate.

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

S. 3864. An act to create a new division of the District Court of the United States for the Northern District of Texas.

NIGHT WORK IN THE POSTAL SERVICE

The SPEAKER. The first order of business is the consideration of the two veto messages, the consideration of which was postponed until to-day. The first is that of H. R. 5681, to provide a differential in pay for night work in the Postal Service. The question is, Will the House on reconsideration agree to pass the bill, the objections of the President to the contrary notwithstanding?

Mr. GRIEST. Mr. Speaker, on that I move the previous question.

The previous question was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll. Those in favor of the passage of the bill, the objections of the President to the contrary notwithstanding, will, when their names are called, answer "yea" and those opposed "nay."

The question was taken; and there were—yeas 320, nays 42, not voting 68, as follows:

[Roll No. 84]
YEAS—320

Abernethy	Brand, Ga.	Cochran, Mo.	Doutrich
Adkins	Briggs	Cochran, Pa.	Dowell
Allen	Britten	Cohen	Drewry
Allgood	Browne	Cole, Iowa	Driver
Almon	Browning	Collier	Dyer
Andresen	Buchanan	Collins	Edwards
Arentz	Buckbee	Colton	England
Arnold	Burdick	Combs	Englebright
Aswell	Burness	Cooper, Wis.	Eslick
Auf der Heide	Bushy	Corning	Estep
Ayres	Bushong	Cox	Evans, Calif.
Bankhead	Byrns	Crosser	Evans, Mont.
Barbour	Canfield	Crowther	Faust
Beck, Pa.	Cannon	Cullen	Fenn
Beers	Carew	Dallinger	Fitzgerald, Roy G.
Begg	Carley	Darrow	Fitzgerald, W. T.
Bell	Carss	Davis	Fitzpatrick
Berger	Carter	Dempsey	Fletcher
Black, N. Y.	Cartwright	Denison	Fort
Black, Tex.	Celler	Dickinson, Iowa	Foss
Bland	Chalmers	Dickinson, Mo.	Frear
Bohn	Chapman	Dickstein	Free
Bowman	Chase	Dominick	Freeman
Rox	Christopherson	Doughton	Fullbright
Boylan	Clague	Douglass, Mass.	Fulmer

Furlow	Kahn	Montague	Sirovich
Garber	Kelly	Mooney	Smith
Gardner, Ind.	Kemp	Moore, Ky.	Somers, N. Y.
Garner, Tex.	Kendall	Moore, Ohio	Speaks
Garrett, Tex.	Kent	Moore, Va.	Sproul, Ill.
Gibson	Kerr	Moorman	Sproul, Kans.
Gifford	Ketcham	Morehead	Stalker
Gilbert	Kiess	Morgan	Stearls
Glynn	Kincheioe	Morin	Stedman
Golder	Kindred	Morrow	Steele
Goodwin	King	Murphy	Stevenson
Gregory	Knutson	Nelson, Me.	Strong, Kans.
Green	Kopp	Nelson, Mo.	Strong, Pa.
Greenwood	Korell	Nelson, Wis.	Sullivan
Griest	Kunz	Niedringhaus	Summers, Wash.
Griffin	Kvale	Norton, Nebr.	Summers, Tex.
Guyer	LaGuardia	O'Brien	Swank
Hadley	Lampert	O'Connell	Swick
Hall, Ill.	Langley	O'Connor, La.	Swing
Hall, Ind.	Lanham	O'Connor, N. Y.	Tarver
Hammer	Lankford	Oliver, Ala.	Tatgenhorst
Hancock	Larsen	Oliver, N. Y.	Taylor, Colo.
Hardy	Lea	Parks	Taylor, Tenn.
Harrison	Leatherwood	Peery	Temple
Hastings	Leavitt	Porter	Thompson
Haugen	Lehlbach	Pou	Thurston
Hawley	Letts	Prall	Timberlake
Hersey	Lindsay	Quayle	Treadway
Hickey	Lowrey	Quin	Tucker
Hill, Ala.	Lozier	Ragon	Udike
Hill, Wash.	Lyon	Rainey	Vinson, Ga.
Hoffman	McClintic	Ramseyer	Vinson, Ky.
Hogg	McDuffie	Rankin	Ware
Holiday	McFadden	Ransley	Warren
Hooper	McKeown	Rathbone	Watres
Hope	McLeod	Reed, Ark.	Watson
Houston, Del.	McMillan	Reed, N. Y.	Weaver
Howard, Nebr.	McReynolds	Robinson, Iowa	Welch, Calif.
Howard, Okla.	McSwain	Robison, Ky.	Weller
Huddleston	McSweeney	Romjue	Welsh, Pa.
Hudson	MacGregor	Rowbottom	White, Colo.
Hull, William E.	Maas	Rubey	White, Me.
Hull, Tenn.	Magrady	Rutherford	Whittington
Igoe	Major, Ill.	Sanders, N. Y.	Williams, Ill.
Irwin	Major, Mo.	Sanders, Tex.	Williams, Mo.
Jacobstein	Manlove	Sandlin	Williams, Tex.
James	Mansfield	Schafer	Wilson, La.
Jeffers	Martin, La.	Schneider	Wingo
Johnson, Ill.	Mead	Sears, Nebr.	Winter
Johnson, Ind.	Menges	Seeger	Wolverton
Johnson, S. Dak.	Michelson	Selvig	Woodruff
Johnson, Tex.	Michener	Shallenberger	Wright
Johnson, Wash.	Miller	Shreve	Wyant
Jones	Milligan	Simmons	Yates
Kading	Monast	Sinclair	Zihlman

NAYS—42

Ackerman	Crisp	McLaughlin	Stobbs
Aldrich	Douglas, Ariz.	Mapes	Taber
Andrew	Elliott	Martin, Mass.	Tilson
Bacharach	French	Merritt	Tinkham
Bacon	Frothingham	Newton	Underhill
Brand, Ohio	Hale	Parker	Vincent, Mich.
Burton	Hoch	Pratt	Wainwright
Chindblom	Hull, Morton D.	Reece	Wason
Clarke	Jenkins	Rogers	Woodrum
Cooper, Ohio	Kearns	Sinnott	
Cramton	Luce	Snell	

NOT VOTING—68

Anthony	Connery	Graham	Rayburn
Bachmann	Connolly, Pa.	Hall, N. Dak.	Reid, Ill.
Beck, Wis.	Crall	Hare	Sabath
Beedy	Curry	Hudspeth	Sears, Fla.
Blanton	Davenport	Hughes	Spearing
Bloom	Davey	Johnson, Okla.	Strother
Boles	Deal	Kurtz	Thatcher
Bowles	De Rouen	Leech	Tillman
Bowling	Doyle	Linthicum	Underwood
Brigham	Drane	Moore, N. J.	Vestal
Bulwinkle	Eaton	Norton, N. J.	White, Kans.
Butler	Fish	Oldfield	Whitehead
Campbell	Fisher	Palmer	Williamson
Casey	Gambrill	Palmisano	Wilson, Miss.
Clancy	Garrett, Tenn.	Peavey	Wood
Cole, Md.	Gasque	Perkins	Wurzbach
Connally, Tex.	Goldsborough	Purnell	Yon

So, two-thirds having voted in favor thereof, the bill was passed, the objections of the President to the contrary notwithstanding.

The Clerk announced the following pairs:

On the vote:

Mr. Reid of Illinois and Mr. Oldfield (for) with Mr. Brigham (against).

Until further notice:

Mr. Wood with Mr. Garrett of Tennessee.
Mr. Connolly of Pennsylvania with Mr. Hudspeth.
Mr. Davenport with Mr. Spearing.
Mr. Anthony with Mr. Cole of Maryland.
Mr. Vestal with Mr. Gambrill.
Mr. Graham with Mr. Linthicum.
Mr. Kurtz with Mr. Deal.
Mr. Purnell with Mr. Drane.
Mr. Wurzbach with Mr. Goldsborough.
Mr. Beedy with Mr. Doyle.
Mr. Clancy with Mr. Connery.
Mr. Eaton with Mr. Gasque.
Mr. Hughes with Mr. Fisher.
Mr. Perkins with Mr. Hare.
Mr. Williamson with Mr. Johnson of Oklahoma.
Mr. Bachman with Mr. Whitehead.
Mr. Butler with Mr. Yon.

Mr. Leech with Mr. Sears of Florida.
 Mr. Thatcher with Mr. Blanton.
 Mr. White of Kansas with Mr. Palmisano.
 Mr. Boise with Mr. Bulwinkle.
 Mr. Campbell with Mr. Wilson of Mississippi.
 Mr. Fish with Mr. Davey.
 Mr. Curry with Mr. Moore of New Jersey.
 Mr. Bowles with Mr. Connolly of Texas.
 Mr. Crall with Mrs. Norton.
 Mr. Palmer with Mr. Rayburn.
 Mr. Hall of North Dakota with Mr. Underwood.
 Mr. Beck of Wisconsin with Mr. Casey.
 Mr. Peavey with Mr. Bloom.
 Mr. Strother with Mr. Sabbath.

Mr. O'CONNELL. Mr. Speaker, I wish to announce the absence of the lady from New Jersey, Mrs. NORTON, on account of illness. If she were here she would vote "aye." Also that my colleague from New York, Mr. BLOOM, who is absent on account of official business, would, if he were present, vote "aye."

Mr. KUNZ. Mr. Speaker, I wish to announce that my colleague, Mr. SABATH, is unable to be present on account of sickness at home. He requested me to announce that he would vote "aye" if he were present.

Mr. JOHNSON of Texas. Mr. Speaker, my colleague, Mr. HUDSPETH, is ill in a hospital. If he were present, he would vote "aye."

Mr. DOUGLASS of Massachusetts. Mr. Speaker, my colleague, Mr. CONNERY, is absent on account of illness in his family. If he were present, he would vote "aye."

Mr. MCSWEENEY. Mr. Speaker, I desire to announce that Mr. DOYLE, of Illinois, is unavoidably absent. If he were present, he would vote "aye."

The result of the vote was announced as above recorded.

ALLOWANCES FOR RENT, ETC., FOURTH-CLASS POSTMASTERS

The SPEAKER. The question now arises on House bill 7900, a bill granting allowances for rent, fuel, light, and equipment to postmasters of the fourth class, and for other purposes. The question is, Shall the House on reconsideration agree to pass the bill, the objections of the President to the contrary notwithstanding?

Mr. GRIEST. Mr. Speaker, this bill provides allowances for rent, light, fuel, and equipment for fourth-class postmasters. It was considered very thoroughly by the Committee on the Post Office and Post Roads in the last Congress. It passed the House committee unanimously. It passed the House itself unanimously. It passed the Senate unanimously. It provides for an expenditure of between \$2,000,000 and \$3,000,000. I move the previous question.

The SPEAKER. The gentleman from Pennsylvania moves the previous question.

The previous question was ordered.

The SPEAKER. Those in favor of the passage of the bill, the objections of the President to the contrary notwithstanding, will, as their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 318, nays 46, not voting 66, as follows:

[Roll No. 85]

YEAS—318

Abernethy	Cannon	Dowell	Griest
Adkins	Carver	Drewry	Giffin
Allen	Carley	Driver	Guyer
Allgood	Cares	Dyer	Hadley
Almon	Carter	Edwards	Hall, Ill.
Andresen	Cartwright	England	Hall, Ind.
Arentz	Celler	Englebright	Hall, N. Dak.
Arnold	Chalmers	Eslick	Hammer
Aswell	Chapman	Estep	Hardy
Auf der Heide	Chase	Evans, Mont.	Harrison
Ayres	Christopherson	Faust	Hastings
Bankhead	Clague	Fenn	Haugen
Barbour	Cochran, Mo.	Fish	Hawley
Beedy	Cochran, Pa.	Fitzgerald, Roy G.	Hersey
Beers	Cohen	Fitzgerald, W. T.	Hickey
Begg	Cole, Iowa	Fitzpatrick	Hill, Ala.
Bell	Collier	Fletcher	Hill, Wash.
Berger	Collins	Foss	Hoch
Black, N. Y.	Colton	Frear	Hoffman
Black, Tex.	Combs	Free	Hogg
Bohn	Cooper, Wis.	Freeman	Holaday
Bowman	Corning	Fulbright	Hooper
Box	Cox	Fulmer	Hope
Boylan	Crosser	Furlow	Houston, Del.
Brand, Ga.	Crowther	Garber	Howard, Nebr.
Brand, Ohio	Cullen	Gardner, Ind.	Howard, Okla.
Briggs	Darrow	Garner, Tex.	Huddleston
Britten	Davis	Garrett, Tex.	Hudson
Browne	Dempsey	Gibson	Hull, Tenn.
Browning	Denison	Gifford	Igoe
Buchanan	Dickinson, Iowa	Gilbert	Irwin
Buckbee	Dickinson, Mo.	Glynn	Jacobstein
Burtness	Dickstein	James	Jeffers
Busby	Dominick	Goodwin	Jenkins
Bushong	Doughton	Green	Johnson, Ill.
Byrns	Douglas, Ariz.	Greenwood	Johnson, Ind.
Campbell	Douglas, Mass.		
Canfield	Doutrich		

Johnson, S. Dak.	McSwain	Quayle	Sumners, Tex.
Johnson, Tex.	McSweeney	Quinn	Swank
Johnson, Wash.	MacGregor	Ragon	Swick
Jones	Maas	Raney	Swing
Kading	Magrady	Ramseyer	Tarver
Kahn	Major, Ill.	Rankin	Tatgenhorst
Kearns	Major, Mo.	Ransley	Taylor, Colo.
Kelly	Manlove	Rathbone	Taylor, Tenn.
Kemp	Mansfield	Reed, Ark.	Temple
Kendall	Martin, La.	Reed, N. Y.	Thompson
Kent	Mead	Robinson, Iowa	Thurston
Kerr	Menges	Robison, Ky.	Timberlake
Ketcham	Michaelson	Romjue	Treadway
Kiess	Michener	Rowbottom	Updike
Kincheloe	Miller	Rubey	Vestal
Kindred	Milligan	Rutherford	Vinson, Ga.
King	Montague	Sanders, N. Y.	Vinson, Ky.
Knutson	Mooney	Sanders, Tex.	Ware
Kopp	Moore, Ky.	Sandlin	Warren
Kunz	Moore, Ohio	Schafer	Watres
Kvale	Moore, Va.	Sears, Nebr.	Watson
La Guardia	Moorman	Selvig	Weaver
Lampert	Morehead	Shallenberger	Welch, Calif.
Langley	Morgan	Shreve	Weller
Lanham	Morin	Simmons	Welsh, Pa.
Lankford	Morrow	Sinclair	White, Colo.
Larsen	Murphy	Sirovich	White, Me.
Lea	Nelson, Me.	Smith	Whittington
Leatherwood	Nelson, Mo.	Snell	Williams, Ill.
Leavitt	Nelson, Wis.	Somers, N. Y.	Williams, Mo.
Letts	Niedringhaus	Speaks	Williams, Tex.
Lindsay	Norton, Nebr.	Sproul, Ill.	Willson, La.
Lowrey	O'Brien	Sproul, Kans.	Wingo
Lozier	O'Connell	Stalker	Winter
Lyon	O'Connor, La.	Stegall	Wolverton
McClintic	O'Connor, N. Y.	Stedman	Wood
McDuffie	Oliver, Ala.	Steele	Woodruff
McFadden	Oliver, N. Y.	Stevenson	Wright
McKeown	Parks	Strong, Kans.	Wyant
McLeod	Porter	Strong, Pa.	Zihlman
McMillan	Pou	Sullivan	
McReynolds	Prall	Summers, Wash.	

NAYS—46

Ackerman	Cramton	Martin, Mass.	Taber
Aldrich	Crisp	Merritt	Thatcher
Andrew	Dallinger	Monast	Tilson
Bacharach	Elliott	Newton	Tinkham
Bacon	Fort	Parker	Tucker
Bland	Frothingham	Perry	Underhill
Burdick	Hale	Pratt	Vincent, Mich.
Burton	Hull, Morton D.	Reece	Wainwright
Chindblom	Leibach	Rogers	Wason
Clarke	Luce	Seger	Woodrum
Connolly, Pa.	McLaughlin	Sinnett	
Cooper, Ohio	Mapes	Stobbs	

NOT VOTING—66

Anthony	Crall	Hudspeth	Reid, Ill.
Bachmann	Curry	Hughes	Sabath
Beck, Pa.	Davenport	Hull, Wm. E.	Schneider
Beck, Wis.	Davey	Johnson, Okla.	Sears, Fla.
Blanton	Deal	Korell	Sparring
Bloom	De Rouen	Kurtz	Strother
Boles	Doyle	Leech	Tillman
Bowles	Drane	Linthicum	Underwood
Bowling	Eaton	Moore, N. J.	White, Kans.
Brigham	Evans, Calif.	Norton, N. J.	Whitehead
Bulwinkle	Fisher	Oldfield	Williamson
Butler	Gambrill	Palmer	Wilson, Miss.
Casey	Garrett, Tenn.	Palmisano	Wurzbach
Clancy	Gasque	Peavey	Yates
Cole, Md.	Goldsbrough	Perkins	Yon
Connally, Tex.	Graham	Purnell	
Connery	Hare	Rayburn	

So, two-thirds having voted in favor thereof, the bill was passed, the objections of the President to the contrary notwithstanding.

The Clerk announced the following additional pairs:

On this vote:

Mr. Reid of Illinois and Mr. Oldfield (for) with Mr. Brigham (against).

Until further notice:

Mr. Beck of Pennsylvania with Mr. Garrett of Tennessee.

Mr. Davenport with Mr. Sparring.

Mr. Anthony with Mr. Cole of Maryland.

Mr. Graham with Mr. Linthicum.

Mr. Kurtz with Mr. Deal.

Mr. Purnell with Mr. Drane.

Mr. Wurzbach with Mr. Goldsbrough.

Mr. Clancy with Mr. Connery.

Mr. Eaton with Mr. Gasque.

Mr. Hughes with Mr. Fisher.

Mr. Perkins with Mr. Hare.

Mr. Williamson with Mr. Johnson of Oklahoma.

Mr. Bachmann with Mr. Whitehead.

Mr. Butler with Mr. Yon.

Mr. Leech with Mr. Sears of Florida.

Mr. White of Kansas with Mr. Palmisano.

Mr. Boies with Mr. Bulwinkle.

Mr. Curry with Mr. Moore of New Jersey.

Mr. Bowles with Mr. Connolly of Texas.

Mr. Crall with Mrs. Norton of New Jersey.

Mr. Palmer with Mr. Rayburn.

Mr. Beck of Wisconsin with Mr. Casey.

Mr. Peavey with Mr. Bloom.

Mr. Strother with Mr. Sabbath.

Mr. Evans of California with Mr. Blanton.

Mr. W. E. Hull with Mr. Gambrill.

Mr. Korell with Mr. Hudspeth.

Mr. Schneider with Mr. Doyle.

Mr. Yates with Mr. Underwood.

Mr. DOUGLASS of Massachusetts. Mr. Speaker, my colleague, Mr. CONNERY of Massachusetts, is absent on account of illness in his family. If he were present, he would vote "yea."

Mr. O'CONNELL. Mr. Speaker, I want to make the same announcement for the gentlewoman from New Jersey, Mrs. NORTON, who is absent on account of illness. If she were here, she would vote "yea." My colleague the gentleman from New York, Mr. BLOOM, is absent on official business. If he were present, he would vote "yea."

Mr. IGOE. Mr. Speaker, I want to make the same announcement for my colleague from Illinois, Mr. DOYLE. If he were present, he would vote "yea."

Mr. JOHNSON of Texas. Mr. Speaker, my colleague, Mr. HUDSPETH, is absent on account of illness. If he were present, he would vote "yea."

Mr. ENGLEBRIGHT. Mr. Speaker, if my colleague, Mr. CURRY, of California, had been present, he would have voted "yea" in favor of overriding the presidential veto of both of these measures.

Mr. ZIHLMAN. Mr. Speaker, the gentleman from Michigan, Mr. CLANCY, was called home by the sudden death of his mother. Had he been able to be present, he would have voted "yea" on both of these veto messages.

Mr. SCHNEIDER. Mr. Speaker, I desire to vote.

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

Mr. SCHNEIDER. I was present a part of the time, but did not hear my name called.

The SPEAKER. To qualify, the gentleman must have been present and listening when his name was called.

Mr. SCHNEIDER. I was not present all of the time.

The SPEAKER. The gentleman does not qualify.

Mr. SCHNEIDER. If I had been here, I would have voted "yea."

The result of the vote was announced as above recorded.

Mr. TILSON. Mr. Speaker, I ask unanimous consent that the two messages of the President, just acted upon, be printed as House documents. A number of requests have been made for them, and therefore I ask unanimous consent that the usual number be printed. I understand that the other recent veto messages have not been printed, and I therefore ask unanimous consent to include those also.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that all of the veto messages of the President be printed as public documents. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, is it not rather embarrassing to print the two messages on these two bills?

Mr. TILSON. I have asked that all of them be printed.

Mr. BANKHEAD. Does not the gentleman think we should wait a few days, because, as I understand, some more are coming?

Mr. TILSON. If it is desired to print them as public documents, we can make the request at the time.

The SPEAKER. Is there objection?

There was no objection.

ORDER OF BUSINESS

Mr. TILSON. Mr. Speaker, while there is a goodly attendance of the House present, I wish to ask unanimous consent that Calendar Wednesday business to-morrow be dispensed with.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that Calendar Wednesday business, in order to-morrow, be dispensed with. Is there objection?

There was no objection.

THE REVENUE BILL

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table H. R. No. 1, an act to reduce and equalize taxation, provide revenue, and for other purposes, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. The gentleman from Oregon asks unanimous consent to take from the Speaker's table House bill No. 1, disagree to the Senate amendments, and agree to the conference asked by the Senate. Is there objection?

There was no objection.

The SPEAKER appointed the following conferees: Messrs. HAWLEY, TREADWAY, BACHARACH, GARNER of Texas, and COLLIER.

POSTAL RATES

Mr. GRIEST. Mr. Speaker, I present a conference report on H. R. 12030, 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, for printing under the rule.

PROTECTION OF FISH IN THE DISTRICT OF COLUMBIA

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent for the present consideration of a resolution, which I send to the Clerk's desk.

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

The Clerk read as follows:

House Resolution 218

Resolved, That the Senate be requested to return to the House of Representatives the bill (S. 2972) entitled "An act for the further protection of fish in the District of Columbia, and for other purposes."

The SPEAKER. Is there objection?

There was no objection.

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

The resolution was agreed to.

FORT PECK INDIAN RESERVATION, MONT.

Mr. LEAVITT. Mr. Speaker, by direction of the House Committee on Indian Affairs I call up the bill (S. 3593) to authorize the leasing or sale of lands reserved for agency, schools, and other purposes on the Fort Peck Indian Reservation, Mont., which is on the House Calendar.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to lease or sell any of the tribal lands on the Fort Peck Indian Reservation, Mont., the lands that were reserved and title thereto reinvested in the Indians by the act of March 3, 1927 (44 Stat. L. 1402), and now reserved for agency, schools, and other purposes, upon such terms and conditions as he may prescribe with the consent and approval of the Indians through the general council of the Fort Peck Indians in the State of Montana at general council meeting when duly called and assembled: *Provided*, That no part of said tribal lands shall be sold until the Secretary of the Interior shall determine that said lands are no longer required for such purposes with the consent and approval of the said general council, and in case of the sale of said tribal lands the mineral rights, including oil, gas, and other minerals, shall be reserved to the Fort Peck Indians: *Provided, however*, That this act shall not be construed to make any such tribal lands available for allotment purposes: *Provided further*, That the proceeds derived from the sale or lease of said tribal lands shall be deposited in the Treasury of the United States to the credit of the Fort Peck Indians under the title of "Fort Peck 4 per cent fund," and shall be subject to disposition under the act of May 30, 1908 (35 Stat. L. 558).

With the following committee amendment:

On page 2, line 9, strike out "*Provided, however*, That this act shall not be construed to make any such tribal lands available for allotment purposes."

The committee 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.

ELLA G. RICHTER

Mr. MORIN. Mr. Speaker, by direction of the Committee on Military Affairs, I ask unanimous consent to take from the Speaker's table the bill (H. R. 2808) for the relief of Ella G. Richter, daughter of Henry W. Richter, with Senate amendments, and agree to the Senate amendments.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the Senate amendments.

The Senate amendments were agreed to.

CONQUEST OF THE NORTHWEST TERRITORY

Mr. LUCE. Mr. Speaker, I call up the conference report on the joint resolution (S. J. Res. 23) providing for the participation of the United States in the celebration in 1929 and 1930 of the one hundred and fiftieth anniversary of the conquest of the Northwest Territory by Gen. George Rogers Clark and his army, and authorizing an appropriation for the construction of a permanent memorial of the Revolutionary War in the West, and of the accession of the old Northwest to the United States on the site of Fort Sackville, which was captured by George Rogers Clark and his men February 25, 1779,

and ask unanimous consent that the statement may be read in lieu of the report.

Mr. CELLER. Mr. Speaker, reserving the right to object, I would like to ask the chairman a question.

Mr. GARNER of Texas. Mr. Speaker, what is the request?

The SPEAKER. That the statement may be read in lieu of the report.

Mr. GARNER of Texas. It is a privileged matter and may be called up at this time?

The SPEAKER. Yes.

Mr. GARNER of Texas. The gentleman merely asks that the statement may be read in lieu of the report.

Mr. RANKIN. Reserving the right to object, Mr. Speaker, what bill is this?

The SPEAKER. The Clerk will report the resolution.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection?

Mr. CELLER. Mr. Speaker, reserving the right to object, may I be permitted to ask the chairman a question? I understand we have passed a number of bills providing for memorials, not necessarily like the one in the instant case, but we passed one in 1927 providing a monument to Albert Gallatin, but nothing has as yet been done toward the erection of that statue, which was to be erected near one of the entrances to the Treasury Building as a companion piece to the Alexander Hamilton monument. I would like to know whether the chairman or his committee knows anything with reference to what has been done with respect to carrying out the provisions of that statute?

Mr. LUCE. I do not know.

Mr. CELLER. Would it interest the gentleman to know that practically nothing has been done and the whole matter lies dormant; yet we have been on record as stating that we want the monument erected. It was to be raised by popular subscription, but as yet no money has been raised and nothing has been done with reference to the appointment of a sculptor to do the work and no contracts have been let for the foundations for the pedestal or for the erection of the pedestal itself.

Mr. LUCE. I regret I can not inform the gentleman about the matter.

Mr. CELLER. I think it would be well for the committee at least to go into the question because we have done something which has been utterly aborted, and a man whose greatness is as great as that of Albert Gallatin, to whom we were to erect this monument, now has his fame in a sense besmirched by the fact that we have taken no action whatsoever.

Mr. LaGUARDIA. That is not a legislative matter. We can not go out and build the monument.

Mr. CELLER. It shows the futility of passing bills of that nature.

Mr. LaGUARDIA. We can not do any more than pass the law.

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

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the resolution (S. J. Res. 23) entitled "Joint resolution providing for the participation of the United States in the celebration in 1929 and 1930 of the one hundred and fiftieth anniversary of the conquest of the Northwest Territory by Gen. George Rogers Clark and his army, and authorizing an appropriation for the construction of a permanent memorial of the Revolutionary War in the West, and of the accession of the old Northwest to the United States on the site of Fort Sackville, which was captured by George Rogers Clark and his men February 25, 1779," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

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

Strike out section 1 of the House amendment and insert in lieu thereof the following:

"That there is hereby established a commission to be known as the George Rogers Clark Sesquicentennial Commission (hereinafter referred to as the commission) and to be composed of 15 commissioners, as follows: Three persons to be appointed by the President of the United States; three Senators by the President of the Senate; three Members of the House of Representatives by the Speaker of the House of Representatives; and six

members of the George Rogers Clark Memorial Commission of Indiana to be selected by such commission."

And the House agree to the same.

ROBERT LUCE,

RALPH GILBERT,

JOHN C. ALLEN,

F. M. DAVENPORT,

Managers on the part of the House.

SIMEON D. FESS,

R. B. HOWELL,

KENNETH MCKELLAR,

Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the resolution (S. J. Res. 23) providing for the participation of the United States in the celebration in 1929 and 1930 of the one hundred and fiftieth anniversary of the conquest of the Northwest Territory by Gen. George Rogers Clark and his army, and authorizing an appropriation for the construction of a permanent memorial of the Revolutionary War in the West, and of the accession of the old Northwest to the United States, on the site of Fort Sackville, which was captured by George Rogers Clark and his men February 25, 1779, submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report.

The resolution as adopted by the House has been agreed on with a revision of section 1, making the number of commissioners 15, reducing to 3 the number of Senators to be appointed by the President of the Senate and Members of the House of Representatives to be appointed by the Speaker of the House of Representatives, and providing for representation on the commission by the George Rogers Clark Memorial Commission of Indiana, which is to select 6 members from among its own membership.

The effect of this amendment will be to give to the Federal commission the benefit of the study given the project by the Indiana commission and to insure the local interest and support necessary in order to carry out the plans most efficiently and promptly.

ROBERT LUCE,

JOHN C. ALLEN,

FREDERICK M. DAVENPORT,

RALPH GILBERT,

Managers on the part of the House.

Mr. LUCE. Mr. Speaker, the statement tells the whole story.

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

The conference report was agreed to.

DEATH OF DR. HIDEYO NOGUCHI

Mr. CELLER. Mr. Speaker, I ask unanimous consent to address the House for two minutes.

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

There was no objection.

Mr. CELLER. Mr. Speaker, I desire to call the attention of the Members of the House to the fact that there died yesterday at Accra, in the Gold Coast Colony, in Africa, Dr. Hideyo Noguchi, a great Japanese bacteriologist, who came to this country in 1900 and pursued his labors and bacteriological studies at the Carnegie Institute, University of Pennsylvania, and the Government Institute for Infectious Diseases. At the time of his death Doctor Noguchi was associated with the Rockefeller Institute.

I call attention to his death because he died a peace-time hero, a martyr to the virulence of the germ of yellow fever, to the study of which and to the isolation of which he devoted his life. In pursuing his studies and researches he contracted the disease of which he died. With great Spartan courage and stoicism, he experimented upon himself. He ranks with men like Metchnikoff and with Pasteur.

He was the discoverer of many serums by which he revolutionized the treatment of rabies, rattlesnake bite, and infantile paralysis. One of his noteworthy achievements was the isolation of the germ that causes trachoma. Last Saturday the American Medical Association awarded him a silver medal for his discovery of the germ causing the dreadful trachoma.

He has been the recipient of many decorations from governments the world over—Denmark, Japan, Sweden, Spain—for his

medical discoveries and serums that did so much to alleviate human suffering and pain.

He was a credit to the great nation, Japan, that gave him birth. He added luster to the American institutions with which he had been associated.

Let me read a brief paragraph from an ironic letter he wrote recently from Africa when he was hovering near death from the horrible yellow-fever germ: "Suppose I discovered the cause of this dread disease? The irony of it all is that I probably have it."

You will agree with me that peace has her victories no less renowned than war. Here is a glowing example of a great peace-time hero. It is meet for us to pause in our labors and pay homage to this good man, whose life was one of continuous service to us all. Although a great Japanese doctor, he was no stranger, indeed, within our gates. For 28 years he lived with us. The United States shares with Japan the glory of his work and achievements.

Benefactor of mankind, he laid down his life in line of duty to the great profession of medicine, which he ennobled. His sacrifice and his voluntary going through the valley of the shadow is as inspiring and sublime as the heroism of any soldier on the field of battle.

He has left, indeed, "footprints on the sands of time." The world has immeasurably benefited by his having lived among us.

Mr. SIROVICH. Mr. Speaker, I ask unanimous consent to speak for five minutes on the same subject.

The SPEAKER. The gentleman from New York asks unanimous consent to address the House for five minutes. Is there objection?

Mr. SNELL. Reserving the right to object, I am sorry, but we have an important matter to take up, the Boulder Dam bill with eight hours' general debate, and I wish the gentleman would withhold until some other day.

Mr. SIROVICH. Mr. Speaker, I withdraw my request.

FRANK HARTMAN

Mr. HILL of Washington. Mr. Speaker, by direction of the Committee on the Public Lands I ask unanimous consent to take from the Speaker's table the bill (H. R. 6569) for the relief of Frank Hartman with a Senate amendment and agree to the Senate amendment.

The SPEAKER. The gentleman from Washington asks unanimous consent to take from the Speaker's table the bill (H. R. 6569) with a Senate amendment and agree to the Senate amendment.

The Senate amendment was read.

The Senate amendment was agreed to.

BRIDGE ACROSS RED RIVER AT GARLAND, ARK.

Mr. DENISON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 8926) granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across Red River at or near Garland City, Ark., with Senate amendments and agree to the Senate amendments.

The SPEAKER. Is the gentleman authorized by his committee?

Mr. DENISON. I am.

The Senate amendments were read and agreed to.

Mr. DENISON. Mr. Speaker, by direction of the Committee on Interstate and Foreign Commerce, I call up the bill (S. 2965) authorizing the State of Indiana, acting by and through the State highway commission, to construct, maintain, and operate a toll bridge across the Wabash River, at or near Vincennes, Ind.

The Clerk read the bill, as follows:

Be it enacted, etc., That in order to promote interstate commerce, improve the Postal Service, and provide for military and other purposes, the State of Indiana, acting by and through the State highway commission, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Wabash River, at a point suitable to the interests of navigation, at or near Vincennes, Ind., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

Sec. 2. There is hereby conferred upon the State of Indiana, acting by and through the State highway commission, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, maintenance, and operation of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State,

and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

Sec. 3. The said State of Indiana, acting by and through the State highway commission, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

Sec. 4. In fixing the rates of toll to be charged for the use of such bridge the same shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize an amount not to exceed the cost of such bridge and its approaches as soon as possible under reasonable charges, but within a period of not to exceed 10 years from the completion thereof. After a sinking fund sufficient to pay an amount not to exceed the cost of constructing the bridge and its approaches shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls. An accurate record of the cost of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of daily tolls collected shall be kept and shall be available for the information of all persons interested.

Sec. 5. The act of Congress approved February 13, 1925, authorizing the States of Indiana and Illinois to construct a bridge over the Wabash River at Vincennes, Ind., is hereby repealed.

Sec. 6. 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 motion to reconsider was laid on the table.

TO AUTHORIZE OFFICERS OF THE UNITED STATES NAVY AND MARINE CORPS TO ACCEPT DECORATIONS

Mr. BRITTEN. Mr. Speaker, I call up the conference report on the bill (H. R. 5898) to authorize certain officers of the United States Navy and Marine Corps to accept such decorations, orders, and medals as have been tendered them by foreign governments in appreciation of services rendered, and I ask unanimous consent that the statement be read instead of the report.

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

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5898) to authorize certain officers of the United States Navy and Marine Corps to accept such decorations, orders, and medals as have been tendered them by foreign governments in appreciation of services rendered having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11, and from its disagreement to the amendment to the title of the bill, and agree to the same.

FRED A. BRITTEN,

CLARK BURDICK,

CARL VINSON,

Managers on the part of the House.

FREDERICK HALE,

DAVID A. REED,

CLAUDE A. SWANSON,

Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5898) authorizing certain officers of the United States Navy and Marine Corps to accept such decorations, orders, and medals as have been tendered them by foreign governments in appreciation of services rendered, submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report as to each of the following amendments, namely:

On No. 1: By the insertion of the word "Army" the Senate amendment merely includes officers of the Army in the following lists of those who are authorized to accept foreign decorations.

On Nos. 2 to 11, inclusive: Designates by name and rank various officers of the Army, Navy, and Marine Corps who are

authorized to accept foreign decorations, and the final paragraph of amendment No. 11 provides further "that all recommendations for decoration by the United States of America now pending before the War Department, Navy Department, or Marine Corps for services rendered during the World War be considered by the proper boards or authorities, and awards made in such cases as the conduct of those recommended shows them to be entitled and deserving of the same."

As all of the Senate amendments are in accord with the original desire of the bill (H. R. 5898), the managers on the part of the House recommend that the House recede from its disagreement to the amendments of the Senate.

FRED A. BRITTEN,
CLARK BURDICK,
CARL VINSON,

Managers on the part of the House.

The conference report was agreed to.

BOULDER DAM

Mr. BURTON. Mr. Speaker, I present a privileged resolution (H. Res. 208) from the Committee on Rules.

The Clerk read as follows:

House Resolution 208

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 5773, a bill to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes. That after general debate, which shall be confined to the bill and shall continue not to exceed eight hours, to be equally divided and controlled by those favoring and opposing the bill, the bill shall be read for amendment under the five-minute rule. At the conclusion of the reading of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. BURTON. Mr. Speaker, I suggest that we have one hour debate on the rule, the time to be equally divided between the gentleman from Alabama [Mr. BANKHEAD] and myself.

The SPEAKER. The gentleman from Ohio asks unanimous consent that one hour be devoted to the discussion of the rule to be equally divided between the gentleman from Alabama [Mr. BANKHEAD] and himself. Is there objection?

Mr. CHINDBLOM. And the previous question be ordered at the end of the hour?

Mr. BURTON. I will add the further request that the previous question be considered as ordered.

The SPEAKER. And that the previous question be considered as ordered at the end of the hour. Is there objection?

There was no objection.

Mr. BURTON. Mr. Speaker, this bill (H. R. 5773) is to provide for the construction of work for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes. The bill includes three major projects. The first is the construction of a dam 550 feet in height at Boulder or Black Canyon on the boundary line between Arizona and Nevada. It is expected that this dam will impound 26,000,000 acre-feet of water, though the bill provides for not less than 20,000,000 acre-feet. The estimated cost of this dam is \$41,500,000, but when you compute the interest which would accrue during the time of construction the total cost is figured at \$45,000,000.

The second project contemplated is the construction of a power plant at the location of this dam at Boulder or Black Canyon utilizing the water power created at the dam. The construction of the plant is left optional with the Secretary of the Interior, who may instead lease the water power. Five hundred and fifty thousand firm or constant horsepower will be available or 1,000,000 horsepower on a 55 per cent load factor. The estimated cost of installing plants of 1,000,000 horsepower capacity is \$31,500,000, which, if you count the interest accruing during time of construction amounts to \$35,000,000.

The third project is an all-American canal from the river to the Imperial Valley and Coachella Valley. The estimated cost of the canal is \$31,000,000, and the interest during construction would increase the total cost to \$35,000,000. That makes the cost of the three projects \$45,000,000 for the dam, \$35,000,000 for the power plants, and \$35,000,000 for the all-American canal, or in all an estimated cost of \$125,000,000. The objects sought to be accomplished are these: First, the removal of the flood menace on the lower valley of the Colorado River, which threatens the destruction of large and important communities

lying below the level of this channel. The reservoir which is contemplated will hold the flood waters until they can be released at a rate which the river channel can accommodate with safety. The water so stored will guarantee the lower-basin communities against danger, especially the Imperial Valley, which has been in the past very seriously threatened and is now very seriously threatened in case of flood conditions, will furnish a dependable water supply and, by making use of the flood waters in the lower basin, the upper reaches of the river will furnish abundant water for use in the upper basin without encroaching upon prior appropriations below.

I have already stated that it will end a very dangerous situation which now exists in the Imperial Valley. The valley now secures its only water supply by a canal which runs for some 60 miles through the Republic of Mexico. The all-American canal will furnish a substitute for this and at the same time carry the water at an elevation sufficient to make possible the irrigation of additional lands, mostly public. The third object to be secured is to have the flood waters conserved at the dam and reservoir and, besides providing for irrigation needs below, will provide for a much-needed domestic water supply for cities on the Pacific coast located in southern California, of which Los Angeles is the principal community. The dam and reservoir will incidentally create a large amount of hydroelectric power, from the disposal of which the project will be in large part financed. It is still further alleged that the dam will improve navigation for some 200 miles below the dam, and in the reservoir created above for some 50 miles additional. Under the operation of the project the flow of the water below the dam will be regulated and even, and the construction of the dam and such regulation will safeguard interstate commerce and protect the Government property. Several railroads cross the river below the location of the proposed dam, and these railroads are threatened in case of excessive floods. It is further said on behalf of the project that with the flow of the river unregulated the river can not be successfully used as a highway for commerce. In its regulated form it will be susceptible to use by power boats and other small craft. The great reservoir, of course, will be susceptible of navigation. It is further alleged that certain international complications now arising will be largely solved through the construction of the project.

I have given many hours to the consideration of this project. As a member of the Committee on Rules I have listened to arguments pro and con. This proposed Boulder Dam has awakened a very bitter controversy. It has been the subject of long consideration. Notwithstanding the time that I have given to it, I do not feel that I am completely master of the details. I favor the bill. It is a great project. It is beyond the capacity of any private enterprise. It is a matter of the greatest interest to a number of States, to the Government of the United States itself in the protection of its property, and we may say that it is in line with the flood bill for the Mississippi River in that it saves a very large and fertile area from being destroyed by flood, and also makes possible the irrigation of a very large quantity of land at present completely desert.

To show the sharpness of the controversy, I may say that I hope we shall see the light during the discussion on certain questions like this. It is maintained on behalf of the proponents of the bill that a domestic water supply will soon be urgently needed in southern California.

The opponents maintain that not for 50 years will any such need appear. It is maintained on behalf of the advocates of the bill that a very large amount of water power aggregating 1,000,000 horsepower can be disposed of so as to meet the expense. It is maintained in opposition that the demand for additional water power would be a mere bagatelle in comparison with the large quantity that would be created by the construction of the dam. It should be borne in mind that it is an essential part of this plan that the expense of \$125,000,000 shall be met by the sale of the power and by the disposition of water created by the dam, so that ultimately there will be no expense to the United States Government which will not be reimbursed. The time of reimbursement has been variously estimated at from 25 years to 50 years. Very careful estimates have been made in this regard. As a feature of the bill which disarms much of the opposition there are two very vital conditions carried in the measure which, in order that they may be thoroughly understood, I shall read. After authorizing the appropriation of \$125,000,000, section 4 contains these two very important conditions:

SEC. 4. (a) No work shall be begun and no moneys expended on or in connection with the works or structures provided for in this act, and no water rights shall be claimed or initiated hereunder, and no steps shall be taken by the United States or by others to initiate or

perfect any claims to the use of water pertinent to such works or structures until the States of California, Colorado, Nevada, New Mexico, Utah, and Wyoming shall have approved the Colorado River compact mentioned in section 12 hereof and shall have consented to a waiver of the provisions of the first paragraph of Article XI of said compact, which makes the same binding and obligatory only when approved by each of the seven States mentioned in said section 12, and shall have approved said compact without condition save that of such six-State approval, and until the President by public proclamation shall have so declared.

The States contained in the Colorado River Basin and interested in this project are Wyoming, Colorado, Utah, New Mexico, Nevada, California, and Arizona. A compact has been made which has been at least conditionally approved by six of the States, but the State of Arizona has thus far refused to agree upon it. It is the contention of those favoring the bill that an improvement of such vast importance, the postponement of which will probably result in serious damage or loss, should not be postponed because of the failure of one State to join.

But it is made, however, a condition that six States shall agree upon the conditions set forth in the bill. That is one condition. I may say frankly that perhaps that provision will prevent the coming into effect of this bill.

Then there is a second condition which I shall read, subdivision (b) of section 4:

(b) Before any money is appropriated or any construction work done or contracted for, the Secretary of the Interior shall make provision for revenues, by contract or otherwise, in accordance with the provisions of this act, adequate, in his judgment to insure payment of all expenses of operation and maintenance of said works incurred by the United States and the repayment, within 50 years from the date of the completion of the project, of all amounts advanced to the fund under subdivision (b) of section 2, together with interest thereon.

That includes the \$125,000,000 that I have mentioned. So you see, there are two conditions before action is taken; the concurrence of six of the seven States affected; second, the making of a contract by the Secretary of the Interior which shall insure the expense of construction operation and in not more than 50 years the amortization of all expenses incurred in this project.

Mr. Speaker, I reserve the balance of my time.

Mr. DENISON. Mr. Speaker, will the gentleman yield for one question?

Mr. BURTON. Yes.

Mr. DENISON. Can the gentleman advise us briefly as to the contents of the compact?

Mr. BURTON. That will take considerable time. They are set forth in the report of the majority. I think that more appropriately belongs to the general discussion. The compact is set forth on page 32 of the majority report, and inasmuch as it covers three pages of fine print I do not feel like taking the time for it in the discussion of the rule.

Mr. DOUGLAS of Arizona. Can the gentleman state for the information of the House how many States are parties to the compact?

Mr. BURTON. Six, I believe.

Mr. DOUGLAS of Arizona. I think the gentleman is mistaken about that. The entire basin comprises seven States. The basin is divided into the upper and the lower. Four States are in the upper basin and three in the lower. All the States by name are woven into the fabric of the compact, so that it is not accurate to say six States.

Mr. BURTON. I was in error perhaps in this, that the agreement is signed, as I understand it, merely by representatives of the States instead of being ratified by formal approval by the respective States.

Mr. DOUGLAS of Arizona. Then there are seven States made parties to the contract by the terms of the contract.

Mr. THATCHER. Mr. Speaker, will the gentleman yield for a question?

Mr. BURTON. Yes.

Mr. THATCHER. Does the gentleman believe that \$125,000,000 will cover the ultimate cost involved?

Mr. BURTON. In regard to the cost of \$125,000,000, I can give no opinion upon that. That is the estimate of the engineers of the Reclamation Service and others who have been called in. I would not put my judgment against theirs, or state whether that amount will be sufficient or not.

Mr. THATCHER. That is the estimate?

Mr. BURTON. Yes. It is maintained on the one hand that the estimates of the Reclamation Service have usually fallen below the actual cost. That is an argument to the effect that it will cost more than the \$125,000,000. It is maintained on the other hand that by reason of constant improvements in ma-

chinery and appliances for doing this class of work the cost of it will be much less than when the estimates were made. The gentleman can weigh the two. The House can weigh the two.

Mr. BRITTEN. Mr. Speaker, will the gentleman yield for a question?

Mr. BURTON. Certainly.

Mr. BRITTEN. Does not the gentleman think that the contract contained in the bill providing for repayment to the Government provides a very substantial protection to the Government?

Mr. BURTON. Certainly.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield for another question?

Mr. BURTON. Certainly.

Mr. CHINDBLOM. Does the present proposal contemplate any development of irrigation areas outside of the Imperial Valley?

Mr. BURTON. Oh, yes. There is a very considerable quantity of land below. Much of it, if not most of it, is still owned by the Government.

Mr. CHINDBLOM. When I said "Imperial Valley" I meant the territory below. Does it contemplate any reclamation of land above the reservoir?

Mr. BURTON. I do not think so, at least as far as the immediate result of this improvement is concerned. But there is so much detail in this that I do not feel competent to answer that question.

Mr. SWING. This bill does not contain any authorization of any money for the reclamation of any land. By the storage of the water it makes possible in future time, if Congress sees fit, to reclaim some of this land when there is need for it. But the bill does not undertake to do that at this time.

Mr. CHINDBLOM. I understand that is the intent of the bill; but I want to understand whether those who have promoted this project believe there may be in the future a reclamation by irrigation of land in the upper courses of the river above the dam?

Mr. SWING. That is the reason for the compact. The upper four States, looking forward 50 or 100 years from now, demand that they be given quitclaim deed, so that when they do develop the area above the dam 100 years from now they may have an unquestioned right, no matter what may be done in the meantime, to their share.

Mr. CHINDBLOM. Then future development is contemplated in the upper reaches of the river?

Mr. SWING. I hope it will take place. That is the hope of every patriotic citizen.

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

Mr. BURTON. Yes.

Mr. HASTINGS. The interest is to be how much?

Mr. BURTON. Four per cent.

I now yield to the gentleman from Alabama [Mr. BANKHEAD], and reserve the balance of my time. How much time have I left, Mr. Speaker?

The SPEAKER pro tempore. The gentleman from Ohio has 7 minutes remaining. The gentleman from Alabama [Mr. BANKHEAD] has 30 minutes.

Mr. BANKHEAD. Mr. Speaker, I yield myself 10 minutes. The SPEAKER pro tempore. The gentleman from Alabama is recognized for 10 minutes.

Mr. BANKHEAD. Mr. Speaker and gentlemen of the House, like the distinguished speaker who has preceded me, this is a problem to which, for the last five or six years, I have given a considerable amount of attention and study. For a number of years when I first came to Congress I had the honor of serving upon the Committee on Irrigation of Arid Lands, and while I was serving on that committee this great problem of the Boulder Canyon Dam was first initiated and discussed. In addition to that—and this always gives one better information about a proposition of this sort—I had the opportunity several years ago of visiting the location of this improvement and of the area surrounding it, and of seeing at first-hand all of the physical situation involved in this controversy.

I am for this rule and I am heartily in favor of the passage of this committee bill. [Applause.] In the few minutes I have allotted myself I want to state as succinctly as possible the reasons which have led me to support this legislation and to answer at least one of the objections that have been urged against it which, for a while at least, aroused the opposition of some of those gentlemen from my section of the country, the cotton-raising section of the South.

As has been pointed out to you by Senator BURTON and as shown in a report made by former Secretary of the Interior James R. Garfield on this question:

The right of Congress to construct the proposed dam is derived from the commerce clause of the Constitution, its control over the public domain, its control over navigable streams, its obligation to deal with international relations and interests, its powers under the reclamation law, and its rights as a landowner.

So that the Government under the Constitution has a perfect right to deal with this great subject from five different standpoints of jurisdiction, and I want to say to you that all of those propositions are involved in this pending legislation.

I do not know of any bill that has come before the Congress of the United States since I have been here that was not entirely national in its significance which more profoundly relates to important details of the economic, social, and business life of a great section of the country than this does. It involves the interests of the population of seven of our great Western and Southwestern States, not only for the immediate future but for the generations that are to come, particularly with reference to the settlement of the very vexing question of the appropriation of water by the citizens of those different States. When the population grows and the demand for water grows, this will constantly become more and more a very important question to those people.

This legislation is initiated primarily as a flood-control and reclamation proposition. It comes from the Committee on Reclamation, which had jurisdiction of it, and this whole Boulder Canyon Dam bill is predicated upon the jurisdiction of that committee to reclaim and protect the arid lands of that immediate section of the country. But it so happens that incidental to that jurisdiction other related matters are involved and are presented by this bill.

Now, gentlemen, if any of you ever had occasion, as I have, to go out there and see that great Imperial Valley, one of the most amazing agricultural developments that has ever taken place in the history of the civilized world, and see those 65,000 or 70,000 prosperous, happy, and contented people every day of their lives, every week, and every month threatened with destruction by the great Colorado River, which sometimes gets out of its banks and floods and overflows, you can appreciate the great interest that those gentlemen have in the passage of some bill that will insure protection from that menace. It is not an imaginary thing but it is an actual thing.

I heard an old temperance man say once to a lot of young men, in speaking of whisky in the old days before prohibition, "Young men, always remember that whisky may be a good servant, but it is always a poor master."

Now, this Colorado River is a good servant to those people out there, but it is a poor master when it goes on a rampage.

With that primary purpose in mind, from the standpoint of flood protection and for reclamation, they are proposing in this bill something else. The opponents of this bill say that the flood-control situation can be handled by a low dam somewhere down below the Boulder Canyon Dam and at much less expense to the Treasury of the United States, but the main thing which induces me to support this bill, recognizing the necessity of the protection which I have suggested, is that fortunately, by virtue of the physical situation there and the possibilities of the development of power, of irrigation, and of the sale of water rights, we have here an opportunity to build a great structure that will meet all of those necessities in one building program and that ultimately will not cost the taxpayers of America one single cent. One of the preliminary safeguards attached to that construction, as was pointed out to you by Senator Burton, is that as a prerequisite to the expenditure of a single dollar of this fund the Secretary of the Interior must have in hand signed and approved legal contracts for water and the sale of power that will guarantee the amortization of this entire cost, including interest at 4 per cent, within a period of less than 50 years. I say it is a very fortunate situation, gentlemen, and an unusual situation that makes it possible for us to achieve for these people this magnificent enterprise without its having to cost the Treasury in the long run one dollar of expenditure out of the public funds.

There is one phase of this thing that has bothered a good many of my friends from the Southern States. A year or so ago there was some propaganda gotten out by the power companies of this country, as has been developed in the recent hearings before the Federal Trade Commission, showing that a deliberate and wicked effort was made to deceive the cotton growers of the South into opposition to this bill upon a false statement of facts.

They asserted and published all over the country, and it made a profound impression upon our country, the statement that if you build this Boulder Canyon Dam out there it would inevitably or probably bring into cultivation additional lands upon which there would be raised perhaps a million bales of cotton a year in addition to what we are raising, and that it would be

raised by cheap labor, most of it in Mexico, and thereby come into direct competition with the cotton producers of the other sections of the South.

The press association of my own State of Alabama was alarmed about this situation, and in their annual convention they passed resolutions memorializing the Members of Congress to oppose, with all their power, the construction of this dam for the reason that they had been misled and deceived into the belief it meant ruinous and destructive competition to our southern cotton producers. They were led into this, gentlemen, as I have said, by a false statement of the real situation; but last fall the president of the Alabama Press Association took it upon himself to visit that section of the country, to make a calm, dispassionate, impartial investigation of the facts with reference to it, and he came back and reported to his associates that they had been misled and deceived, that there was no justice in their former declarations upon the question, and that as a matter of fact it did not afford any real threat of any sort of competition to the cotton producers of the rest of the South, and they rescinded their resolution of protest. I have a copy of it here and I shall ask leave to insert the statement in the RECORD as a part of my remarks. This is the real situation with reference to that proposition, and this conclusion was reasonably based upon the facts. What is the situation now, gentlemen?

You must remember that the Colorado River that supplies the great Imperial Valley with its present water, runs for many miles into the Republic of Mexico, into that cotton land down there in Mexico that they are talking about developing and bringing into competition, and under an international agreement existing between Mexico and the United States they are entitled to as much water as goes through that canal as is used by the people in the Imperial Valley. All of that water goes through Mexico before it gets back into California. Remember that.

Mr. DOUGLAS of Arizona. Will the gentleman yield?

Mr. BANKHEAD. I can not yield now. The gentleman can answer this argument when it comes his time. I have only a limited amount of time and the gentleman has many hours. I want to present this question as clearly as I can from my understanding of the facts.

It runs down there now and there is nothing to control it and there is nothing to prevent those Mexicans, if they want to, from putting in as much cotton as they can successfully plant, and it will go on in this way forever if we do not build this dam and control the flow of that water into the Republic of Mexico. Instead of helping the cotton producers down in that section, as I see it, this proposition is the only way of controlling it to the advantage of the cotton producers of the United States, because when you build this great dam there you can hold back the water, if it can be done under international agreement. At the time it is needed down there in Mexico for the production of cotton it can be withheld from those producers, and therefore their production would be reduced.

Another thing: Do you know how many bales of cotton were raised in the whole Imperial Valley in the year 1927? Do you know how much cotton was ginned in this vast area they were talking about coming in competition with us—only about 8,000 bales. Why, there is hardly a county in Alabama that does not raise more cotton than that every year. It is a mere drop in the bucket.

There is nothing to substantiate this claim and I do not want any colleague of mine, from the Southern States particularly, who is interested in this question, to be deceived by the propaganda and the false statements that have been sent out by interested parties.

Now, gentlemen, I have consumed more time than I expected to take. I am for this bill for a great many reasons. I am for it because I think it is a sensible way to build this dam. Men talk about the Government in business. Here is a physical situation where it seems to me it would be foolish if the Government did not utilize the opportunity to develop and sell this power there for the benefit of the consumers out in that country and thereby pay the total cost of this proposition. It is not the main purpose, although from the standpoint of financial return it is a large increment; but as a matter of analysis and of logic, under the jurisdiction and purpose of this bill, the generation of power and its sale is only an incident to the other great purposes of the bill, and I trust, gentlemen, that the bill will be passed by the House and Senate and approved by the President. [Applause.]

Mr. R. B. Vail, president of the Alabama Press Association, visited the Imperial Valley in November, 1927, for the express purpose of obtaining first-hand information on this subject, and the Los Angeles Examiner of November 26, 1927, contained this

news story following an interview with Mr. Vail, wherein we take it Mr. Vail is correctly quoted:

"Reports circulated through the cotton States of the South in the last year to the effect that realization of the Boulder Dam project would mean southwestern cotton competition have no basis in fact," R. B. Vail, president of the Alabama Press Association, declared here yesterday after his arrival at the Rosslyn Hotel.

Vail, in company with his associate, W. M. Hodgson, has just completed a thorough survey of the Imperial Valley and other lands that would be watered from the Boulder Dam.

MENACE IN REPORTS

"I do not know the source of the reports in the South," said Vail, "but certainly they might act to the detriment of Boulder Dam legislation at Washington if they were allowed to go uninvestigated."

"I have made a careful survey of the situation in the Southwest and shall inform the South of its conclusions. These are, in general, as follows:

"I see no likelihood of any bulk production of cotton in the Southwest that might damage the cotton interests of the South. This is because I am convinced irrigation and the cost of southwestern labor and high land values would make diversified farming or specialty-crop production too expensive to permit any extensive cotton growing."

FEARS GROUNDLESS

"The southern cotton lands are watered by nature, and our labor is about half as costly as the Mexican and oriental labor of the Southwest. These facts and opinions very frankly expressed to me by your southwestern growers lead me to conclude that the misgivings we have had in the South about cotton competition connected with Boulder Dam are groundless."

Following Mr. Vail's visit to California, he reported his findings to the association of which he was president, and in January, 1928, the Alabama Press Association, by resolution again spoke upon this subject, wherein they said in part:

We realize that our position as opposing this on account of cotton production is apparently not just, and we hereby rescind our former resolution in this regard.

In an article by Mr. Nelson M. Shipp, published in the Macon Telegraph, Sunday, January 1, 1928, he said:

As regards the land on the American side of the border in the extreme western part of our country, sometimes referred to as Imperial Valley, the writer's conclusion, after a month's first-hand investigation, is that this region is not now and never will become a cotton competitor of the South. Georgia produces some wheat, but Georgia will never become a wheat competitor of the West. The case is analogous. Cotton is simply not the crop of the coast region, and the largest possible extension of irrigation would not make it such. The fundamental agricultural fact in the premises is that where farming is so expensive, crops that bring far higher prices than cotton must for the most part be grown.

Perhaps the clearest indication of the farm trend of the region is contained in the Government's census figures of the cotton ginnings of Imperial County, Calif., which county extends over much of Imperial Valley. The number of equivalent 500-pound bales ginned in the county in the year 1924 was 26,733. In the year 1925, the following 12 months, the ginnings fell to 22,614 such bales, and in 1926 the number decreased to 13,662.

In this territory, which incidentally is the principal section to be irrigated by the proposed Boulder Dam on the Colorado River, the basic crops are citrus fruits, winter vegetables, and similar agriculture.

Cotton is planted only as a side crop, or to wash the alkali out of the soil through irrigation. Alkali is a seaweed product, and was deposited in the land when it was at the bottom of the Gulf of California, before silt from the Colorado formed a delta across the mouth of the gulf and cut off the inland waters, which evaporated through the years.

I now yield 10 minutes to the gentleman from New York [Mr. O'CONNOR] a member of the Rules Committee.

Mr. O'CONNOR of New York. Mr. Speaker and ladies and gentlemen of the House, this problem of Boulder Dam has been before four Congresses. The Rules Committee has listened to arguments for and against a special rule for its consideration on several occasions occupying many hours of debate on the subject. It occurred to me here to-day, listening to the discussion under the rule, that this first session of the Seventieth Congress is going to be memorable because of the extraordinary list of important legislation which has been brought before it for consideration, and that will be true whether such measures are ultimately enacted into law, or whether they meet the disapproval of the President, as seems to be the order of the day. It will, in fact, take some effort to recall a session of Congress within at least the last decade in which so many important pieces of legislation have been presented. Eliminating myself and the minority, I want to take this opportunity to pay my

respects to the majority members of the Rules Committee for bringing before the House the many great measures which have been presented to the first session of the Seventieth Congress.

Among the many measures this House has considered are three bearing great similarity, in that they have commanded the interest of the entire Nation because they deal with the valuable resources of our country. They have all three dealt with the harnessing of our great rivers, the Mississippi, the Tennessee, and now the Colorado River. Of all our natural resources are any more valuable than our rivers? This Congress will be remembered, I am sure, for the affirmative action it has taken in reference to the great Mississippi flood control bill, the Muscle Shoals bill, and now the great Boulder Dam bill. Any one of these measures would have been a great accomplishment in any one Congress. In this session we have all three.

Now, gentlemen, this Boulder Dam problem is not any local issue. In the first instance, at least seven States are directly involved, and this country is not so small but that when seven or even a less number of States are involved the whole country is interested. We are a closely united Nation, each part dependent on every other part—none sufficient to itself—surely none are indifferent to every other section.

We in the great industrial East are interested in the welfare of the people of these seven States. Commercially we take their products for our consumption and we send them our products for their use, but over and beyond that patriotically and sentimentally their problems all appeal to us. When they suffer our hearts go out to them as theirs beat for us in our difficulties. In every catastrophe in that western section of the country the East has responded nobly in money, in sympathy, in every way that the members of a family feel for the interests of their relatives. After all, this Nation is one great family. We from the East are now asked to meet by congressional action the problems of our brothers of the West, and I for one am happy to do all I can toward that end.

Mr. DOUGLAS of Arizona. Will the gentleman yield?

Mr. O'CONNOR of New York. Reluctantly.

Mr. DOUGLAS of Arizona. The gentleman says seven States are involved in this project; why?

Mr. O'CONNOR of New York. Now, I want to respectfully state to the distinguished gentleman from Arizona that I am not going to engage with him in any debate concerning the details of this bill, because of all of the Members of this House the gentleman from Arizona knows as much, if not more, about this bill than any other man here. [Applause.] I do not agree with him in his opposition to the bill, but I can assure him I do not want to become involved in any controversy with him over its details.

Not only is Boulder Dam a national problem, but it is an international one. A serious question involved in this proposed legislation is whether the Republic of Mexico shall continue to obtain certain benefits by use of the Colorado River at the expense of the United States or whether our country shall conserve all of its natural resources to the utmost consonant with international comity.

Now, what does the bill propose to do? It would control the flow of the great Colorado River, which rises in the stately mountains of Colorado and Wyoming and wends its way southward to the Gulf of California through the States of Utah, Arizona, Nevada, and California. For 50 miles it flows through Mexico and makes fertile great stretches of that Republic. At certain seasons of the year the river is a threadlike stream with a flow of only a few thousand cubic feet per second. At other seasons it is a raging monster, rushing down at the rate of hundreds of thousands of cubic feet per second. With its mad rush to the gulf it carries with it vast quantities of silt, at times more than 161,000,000 cubic yards a season, an amount equal to the total excavations for the Panama Canal. Because of this silt filling in the river bed, several times has the river changed its course.

Just west of this raging monster a mere 40 miles lies the great Imperial Valley in southeast California. What is now this fertile valley was once part of the Gulf of California, but this silt built a delta separating the gulf and leaving a huge lake. The water evaporated and left this saucer a few hundred feet below the Colorado River.

To the 65,000 people living in this valley below sea level, this river is a constant menace, not only to their lives but to the 400,000 acres of their highly cultivated fields and their property values of over \$100,000,000. Why, gentlemen, this situation is enough in itself to command the attention of our entire Nation and assure the passage of this bill. Picture, if you dare, this river rushing down into this valley! A small commonwealth destroyed. So imminent is this danger that Federal farm-loan banks refuse to make loans in the valley.

To meet this possible calamity it is proposed to dam the Colorado River at Boulder or Black Canyon. It is a monumental undertaking, but this Nation is used to such. The dam will tower 550 feet high and hold back in reserve 26,000,000 acre-feet of water. Naturally, the storage of such a huge quantity of water will make possible the development of enormous hydroelectrical energy. To utilize this water power it is proposed that the Government construct power plants at the dam which will ultimately develop 1,000,000 horsepower. Stupendous, but so is the age in which we live! Why, it is estimated that this dam will hold back the silt for 300 years.

In addition, it is proposed to divert the river into an all-American canal.

Now, what are the estimated costs of these three projects? To build the dam will cost \$41,500,000. The power plants will cost \$31,500,000. The canal entails a cost of \$31,500,000. These three items, with interest of \$21,000,000 during the five years of construction total \$125,000,000, the total cost of the project.

But the Government does not intend to stand this cost or any part of it. It is estimated that the whole amount involved will be returned to the Government from the sale of water and power in from 25 to 50 years. Those States involved and the cities adjacent, especially those in California, are eager customers for water and power from this undertaking. And, gentlemen, the most noteworthy provision of the bill is that clause which provides that not 1 cent shall be spent on the project until the Secretary of the Interior shall have in his hands contracts for the sale of water and power sufficient to maintain the enterprise and reimburse the Government within the time stated. This is no gift to California or any other State. It is a business proposition. No private company could undertake it. The Government is the one most concerned. A river of the Nation is involved, and the United States owns most of the land along its banks, which, incidentally, will be reclaimed and made valuable.

As far as I can see, the rights of all the States involved are protected. The upper-basin States of Colorado, Utah, New Mexico, and Wyoming are assured of their water rights for all time. Six States have signed the compact. This bill, it is felt, will go a long way toward influencing the State of Arizona to come into the compact.

Gentlemen, when you get through hearing the arguments of the opponents of the measure you will realize, I am sure, that you are again confronted with that perennial question of Government ownership, "Government in business." That is all there was to the opposition to Muscle Shoals—the fear of any legislation which makes the Government a competitor with private business. That bugaboo is always with us, hanging over us, phantomlike—an "evil spirit"—"Government in business"! Do you not tremble at the thought? Could anything be more disastrous? The old guard quakes at the suggestion. Oh, gentlemen, we are living in the year 1928; and if we are forward looking, if we could look ahead, say, two decades, we would see this "horrible thing" coming—yes, inevitably. Nothing can stop it. You might as well make up your minds to it now. Our Government has for the last time placed in private hands any of the great resources of the country. Of all our resources no great natural power development in this country will ever again go into private hands. [Applause.]

I am not one of those people who are rabid about this question of Government ownership. I am not known as an ardent advocate of it. But I am always willing to face the inevitable. Why, 20 years from now we will look back and wonder that we ever made the futile attempt to stop it. At this date it would be idle and reckless for the Government to turn over this great power project to the private companies. Experience has shown that whenever you do, you can never get it back without paying an extraordinary and extortionate sum.

We own this natural resource now. We own Muscle Shoals now. We have the rich power rights on the St. Lawrence River now, and we have other natural resources now. Let us keep them. It would be perfectly idle, it would be just going in the face of a certain future, to say that we shall turn over any of our great natural and indispensable resources to private operation.

There is the real opposition to the bill—the old school still fighting against Government ownership. Everybody wants flood control out there. Nobody wants to jeopardize the interests of those 65,000 people living down in that saucer, just a few hundred feet below the bed of that raging river. Once the river ever broke into that basin it would not drain out as the Mississippi did. It would stay there until God's sun had evaporated it. History records that. That in itself is appeal enough for all the people of this country to come to the rescue of that locality, and while we are about it, we run into this

great natural resource, this great power possibility. Why not utilize it? The real opposition is that it would be unfair to private business—the private power companies.

The present Chief Executive of our country has previously been in favor of this legislation. He has said this problem should be solved, that flood control should be accomplished, and that the power should be utilized. It may be that he has changed his mind. He may have regretted that he said the Government should operate the power plants. But, what shall we do with them? Shall we build them at Government expense and then turn them over to private interests? The chief consumers of the power, the chief users of the water to be made available by reason of this great dam, are bodies politic, municipalities, counties, townships, and so forth. Is it proposed here at this late day to make them also subservient to the private power interests? Let us not now take a step backward in this conflict between private and public interest.

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

Mr. O'CONNOR of New York. Yes.

Mr. LAGUARDIA. We have had a little experience right at home, where the municipality built the subways and turned them over to private operation.

Mr. O'CONNOR of New York. Yes. Whenever a governmental body turns over to a private interest a function which is naturally governmental, it deludes itself by the use of certain experiences, such as "the right of recapture," and so forth. Well, anyone who has gone through the experience of New York City knows how idle such protective measures are. Once you let the property get into the hands of the private interests the effort to get it back will involve more trouble and expense than if the Government had stepped in in the first instance and performed its proper and natural function. Who here will say that the Mississippi River or the Tennessee River or the Colorado River is not a natural resource, dedicated to the people of the United States, to every person everywhere in the United States for all time to come? The opponents of this bill would turn that river, with all its millions of potential horsepower, over to private interests.

Of course, you are going to be confronted with the argument usually advanced in the Rules Committee that this proposed law is unconstitutional and that it is going to be upset by the Supreme Court. I have been for six years on the Rules Committee, and I am waiting for that happy day to come when some bill will be presented to our committee or will be debated on the floor of this House that is constitutional.

Mr. DOUGLAS of Arizona. Mr. Speaker, will the gentleman yield for a statement?

Mr. O'CONNOR of New York. Yes; but not for a question.

Mr. DOUGLAS of Arizona. If the opponents of the bill were gifted with the eloquence of the gentleman from New York [Mr. O'CONNOR], I am convinced that the House would not fail to defeat the bill.

Mr. O'CONNOR of New York. The gentleman by his compliment has evened things up now. He does not owe me anything. I hope the rule will be adopted, and I hope for the benefit of the entire country that the bill will be passed. [Applause.]

Mr. BURTON. Mr. Speaker, I have no further requests for time.

Mr. BANKHEAD. I have no further requests for time.

The SPEAKER. Under the unanimous-consent agreement the previous question is ordered. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. SMITH. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 5773) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes. Pending that, I ask unanimous consent that the time for general debate be controlled one-half by myself and one-half by the gentleman from Arizona [Mr. DOUGLAS].

The SPEAKER. The gentleman from Idaho moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 5773. Pending that, he asks unanimous consent that the time for general debate be equally divided and controlled, one-half by the gentleman from Arizona [Mr. DOUGLAS] and one-half by himself. Is there objection?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Idaho that the House resolve itself into the Committee of the Whole House on the state of the Union.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 5773, with Mr. LEHLBACH in the chair.

The Clerk reported the title of the bill.

Mr. SMITH. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SMITH. Mr. Chairman, I am sure that everyone here must be gratified that the time has arrived when we can take up for consideration the bill to improve the Colorado River. This is a measure which has been pending before the Committee on Irrigation and Reclamation for over eight years. Extensive hearings have been held on the bill and we have brought before the committee engineers, business men, and economists of wide reputation, with the hope of securing all of the information possible before bringing the matter to the attention of the House. At the close of the last session of Congress the bill was favorably reported, but it came to the House too late for consideration prior to adjournment.

The President in his message to the Congress of December 6, 1927, stated:

Legislation is desirable for the construction of a dam at Boulder Canyon on the Colorado River, primarily as a method of flood control and irrigation. A secondary result would be a considerable power development and a source of domestic water supply for southern California.

In his message to the Congress of December 22, 1926, he declared:

In previous messages I have referred to the national importance of the proper development of our water resources. The great project of extension of the Mississippi system, the protection and development of the lower Colorado River, are before Congress, and I have previously commented upon them. I favor the necessary legislation to expedite these projects.

On March 17, 1924, the present Secretary of the Interior, Dr. Hubert Work, in reporting to this committee on legislation similar to the pending bill, said:

The Colorado River has been under observation, survey, and study, and the subject of reports to Congress since the close of the Civil War. More than \$350,000 have been expended by the Bureau of Reclamation since the Kinkaid Act of May 18, 1920. More than \$2,000,000 have been expended by other agencies of the Government. The time has arrived when the Government should decide whether it will proceed to convert this natural menace into a national resource. (Hearings on H. R. 2903, 68th Cong., 1st sess., p. 818.)

Immediately on the assembling of the present Congress a new bill was introduced, and extensive hearings were held, to which the governors of the watershed States were invited to attend. On the 3d day of February the committee recommended that a favorable report be made on the bill. At the request of the governors the committee filing of the report was delayed for six weeks in order to afford a further opportunity to those in disagreement as to the division of the water arriving at an agreement, but nothing was accomplished in that direction. We now come before you with a special rule from the Committee on Rules for the consideration of the pending legislation.

As has been stated by those who preceded me, supporting the rule, this is primarily a flood problem, but it is different from the flood legislation which we have been considering heretofore with reference to the flood menace of the Mississippi River, the Sacramento River, and other rivers, in this respect, that we do not expect the Federal Government to bear the expense of preventing this flood menace, but we present legislation providing for a plan which, if thoroughly worked out, will reimburse the Government for all the expense that may be involved in building the dam and storing the water which will be necessary in order to prevent the floods in the lower Colorado River Basin.

In order that you may get a comprehensive idea of this flood situation we have had brought in this map [indicating] which will give you an idea of the location of the section of country that is subject to floods. The Imperial Valley is situated in this part of the country [indicating] and, as has been said, it is from 100 to 200 feet below the sea level. In the centuries that have gone it is supposed that the Gulf of California extended into this great valley. The accumulation of silt turned the river to the south, and by evaporation of the water for centuries this great country known as the Imperial Valley was made available for cultivation. In order to get the water into that valley for irrigation purposes, it is necessary to bring it from the Colorado River through the upper part of Lower California in Mexico.

The flood menace affecting this section is alarming at times, to such an extent that property values have been depreciated very much, and has resulted in the Federal Farm Loan Board withdrawing from the field. In 1905 the river broke entirely away and flowed into the Imperial Valley for over 18 months, and finally, at an expense of over \$2,000,000, it was restored to its original location, and property of the Imperial Valley thus saved. In 1909, and again in 1914, and again in 1918, the river was kept out of the Imperial Valley at great expense in constructing levees, dikes, and diversions. The people living in the Imperial Valley who are cultivating the land, building up these towns and cities, organized a district under which they are operating, by which they pledge themselves to pay the expense of building these levees to keep the river from again entering Imperial Valley.

On account of the softness of the earth, which is largely silt which comes down from the mountains, the least break in the levee results, as in the lower Mississippi Valley, in great destruction. The farmers in this section have expended over \$3,000,000 of their own money building these levees to protect themselves against the flood menace. The Federal Government has expended over \$300,000 in cooperation with them. We feel that this menace is such that the Federal Government should step in and try, if possible, to avert the loss of property and the possible loss of life.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. SMITH. Certainly.

Mr. MOORE of Virginia. What is the main line of the river, if I may ask you?

Mr. SMITH. The main line of the river is on the eastern side of Lower California. At one time it ran toward the southwest, down in this section [indicating on map], and these yellow lines represent the levees which have been constructed and which are constantly being raised in consequence of the fact that the silt coming down through this channel fills up the bottom of the river so that it is diverted and is constantly making a new bed.

Mr. MOORE of Virginia. Where is the Mexican boundary line?

Mr. SMITH. The Mexican boundary line is east and west, as indicated on the map. This green line [indicating] represents the canal which now carries the water into the Imperial Valley.

Mr. MOORE of Virginia. What is the red line above the boundary line?

Mr. SMITH. That indicates a proposed canal entirely within the United States which is to be constructed as part of this great project.

Mr. WELLER. For irrigation?

Mr. SMITH. Yes; to carry the water within the boundaries of the United States instead of through Mexico, as at the present time.

Mr. ABERNETHY. Mr. Chairman, will the gentleman yield there?

Mr. SMITH. Certainly.

Mr. ABERNETHY. Would the gentleman be kind enough to explain to the House this controversy between the States and what it is all about?

Mr. SMITH. Yes. I intend to go into that.

I wish now to call attention to the flood menace, which is the primary object to be accomplished by the enactment of this legislation.

Mr. JOHNSON of Texas. Mr. Chairman, will the gentleman yield?

Mr. SMITH. Yes.

Mr. JOHNSON of Texas. For the purpose of identifying and locating the points on the map, is the city of San Diego indicated there?

Mr. SMITH. No. It lies to the west about 120 miles. These towns and cities indicated on the map are in the Imperial Valley. This [indicating] is the Southern Pacific Railroad, which runs northwest of the Imperial Valley.

Mr. ALLEN. Will the gentleman make perfectly clear where the river now runs?

Mr. SMITH. The gentleman from Illinois has requested me to indicate on the map the location of the Colorado River as it is now. It comes down on the eastern side of California, as indicated on the map, through the mountain country, and when it reaches the boundary line it enters a low delta, and from a point indicated here on the international boundary line, on through to the South. This [indicating] is a great delta composed of silt which has come down through the ages and which results in the bed of the river constantly rising because

of the sediment deposited and pushes the river out of its channel. The channel is sometimes 10 or even 100 feet higher than the surrounding country. In case of a flood the river bed shifts from one side of the peninsula to the other.

Mr. COX. The gentleman made one statement distinguishing this case from the Mississippi River problem which I do not quite understand.

Mr. SMITH. I say it is different from the problem in the Mississippi Valley because the Federal Government is bearing the expense of the improvements in the Mississippi Valley.

Mr. COX. What expense will the people in the valley and elsewhere have to meet in this case? What will the people affected pay for flood control?

Mr. SMITH. The people who will be benefited by legislation of this character, so far as flood control is concerned, will pay the money back to the Government with 4 per cent interest from the time it is first expended.

Mr. COX. There is no charge levied against any of the affected territory.

Mr. SMITH. No charge except as to benefits they will receive.

Mr. COX. The gentleman will understand I am with him in this matter but I wanted to have that point made clear.

Mr. HOCH. Will the gentleman indicate where the overflow is from the river?

Mr. SMITH. The overflow has been in this section here in Mexico [indicating on map]. This is near the international boundary line, the real danger line [indicating], because as the water comes down this old river bed it strikes this point here [indicating] and passes into the Imperial Valley.

Mr. HOCH. Where is the beginning of the overflow from the river?

Mr. SMITH. The overflow from the river would be down in this section [indicating on map]. This is a canal [indicating] which frequently is damaged by overflows and the banks must be constantly raised.

Mr. WELLER. Where is the Boulder Canyon Dam?

Mr. SMITH. The Boulder Canyon Dam is about 300 miles up the river from the international boundary line.

Mr. WELLER. Is the danger spot the gentleman speaks of in the United States?

Mr. SMITH. The danger spot is in northern Mexico near the international boundary line.

Mr. WELLER. Below the line?

Mr. SMITH. Yes.

Mr. FLETCHER. How does that overflow affect El Centro, Brawley, Imperial, and Niland?

Mr. SMITH. The overflow would go into the lowest portion of the valley and raise the Salton Sea, and if it is not stopped it will drive the people back farther and farther. The flood situation is different there than any other flood situation, because after a few days of flood in any other section of the country the water recedes, but here it would be constantly rising, because there is no other way for it to get out than by evaporation, which, of course, would take hundreds of years.

Mr. FLETCHER. And that would affect all of those cities?

Mr. SMITH. Yes. This situation, as I remarked at the outset, has been given the greatest consideration. President Harding recommended legislation, and twice since President Coolidge has become the Chief Executive he has urged legislation for the relief of these people. Two Cabinet officers, Secretary Work and Secretary Hoover, have urged legislation of this character, the Secretary of the Interior through letters written to the chairman of the committee and Secretary Hoover by appearing before our committee and giving testimony regarding the importance of the enactment of this legislation.

Mr. OLIVER of Alabama. Will the gentleman point out the Government-owned land lying to the north of the Mexican line and to the east of the Imperial Valley?

Mr. SMITH. There is a quantity of public land lying around the Imperial Valley, above the high-line canals which now supply water.

Now, I wish to refer briefly—

Mr. MONTAGUE. Before the gentleman leaves the map, the bulk of the canal that comes from the river is in Mexico, is it not?

Mr. SMITH. Yes.

Mr. MONTAGUE. And then it runs north into the Imperial Valley?

Mr. SMITH. Yes. It leaves the river at the eastern part of California, and runs through here and then comes into this point [indicating on map], where it enters the United States.

Mr. MONTAGUE. Apparently, then, nine-tenths is in Mexico?

Mr. SMITH. Oh, yes; even a larger portion than that is in Mexico. The water is taken out here in Mexico [indicating] and put into laterals leading into the Imperial Valley.

Mr. MONTAGUE. Have we a treaty with Mexico with respect to the use of the water by the two nations?

Mr. SMITH. There is an agreement between the Imperial Valley irrigation district and the people of Lower California in Mexico under which the people in the Imperial Valley gave a concession to Mexico for half of the water that would come through this canal.

Mr. MONTAGUE. If the dam you speak of is constructed, there will be no further water passing through that canal, will there?

Mr. SMITH. No; if we get the all-American canal, we will not need to bring water through Mexico.

Mr. MONTAGUE. It will be entirely within the United States?

Mr. SMITH. Yes.

Mr. MONTAGUE. Has Mexico been consulted or is it necessary to make any arrangement by which you can divert this water that flows naturally through her territory as much as through our own territory?

Mr. SMITH. There has been a commission authorized by Congress and it has been sitting during the last two or three years with regard to the division of water. As a matter of comity our Government would undoubtedly permit Mexico to continue to use the quantity of water she is now using.

Mr. MONTAGUE. But that has not been finally determined upon?

Mr. SMITH. No; that is still pending, and the commission has not yet made its report.

Mr. LAGUARDIA. But it would have no right to a greater amount of water than the quantity of water it now enjoys?

Mr. SMITH. I should say not.

Mr. LAGUARDIA. Therefore if we can send down as much water as they are now deriving from their flowage rights, they would have no complaint at all.

Mr. SMITH. That is very true, although they may insist on having a larger proportion, but I do not think they would be able to assert that right successfully.

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

Mr. SMITH. Certainly.

Mr. WAINWRIGHT. Would not Mexico be entitled to the entire flow of the river unimpeded?

Mr. SMITH. No.

Mr. WAINWRIGHT. I can not understand why not.

Mr. SMITH. Because the water rises in the United States and the people in the United States, by reason of that fact, have the first right to the water. The fact that Mexico has been using the water would undoubtedly influence our Government to accede to their request that they be permitted to continue to use that quantity of water, but it is a question whether they could enforce such a right under the law of nations.

Mr. LAGUARDIA. And they surely would not have any claim, in response to the inquiry of the gentleman from New York, to any increased amount of flowage as the result of our own work in our own territory.

Mr. WAINWRIGHT. No; but it seems to me they would be entitled to the unimpeded flow of the entire river.

Mr. LAGUARDIA. To the normal flow of the river.

Mr. CRISP. Will the gentleman permit a question?

Mr. SMITH. Certainly.

Mr. CRISP. What would be the length in miles of the all-American canal, if it were constructed?

Mr. SMITH. It is about 35 miles across to the Imperial Valley from the river.

Mr. COLTON. Will the gentleman yield?

Mr. SMITH. Yes.

Mr. COLTON. The gentleman from New York raised a question that is a very highly disputed point in connection with this case, and would not that depend upon whether or not the water below was put to a beneficial use before it was applied above?

Mr. SMITH. That, of course, would be a factor, but I assume this international commission, which is sitting, would determine those questions amicably.

Mr. SWING. Will the gentleman yield there?

Mr. SMITH. Yes.

Mr. SWING. May I say on that point that a very famous decision was rendered by Judson Harmon, one of the great Attorneys General of the United States, published in the Opinions of the Attorney General, with reference to the Rio Grande in New Mexico, Texas, and Mexico, which holds there is no such thing as an international water right, and that the lower country, no matter how long they put the water to a beneficial use, can not compel a sovereign upper nation to refrain from using its own water in its own country under its own laws; but as a matter of comity between nations we have permitted them to do it, and on this bill and on this very project every Secre-

tary of State to whom the question has been referred has held in accordance with the Judson Harmon opinion, that there is no law; it is a mere moral, equitable claim.

Mr. WAINWRIGHT. Of course, the gentleman will appreciate that that right might be asserted by the United States but might not be agreed to by the Republic of Mexico.

Mr. SMITH. If the gentleman will permit, I would prefer to proceed with my statement and then I will endeavor to answer any questions that may be propounded; otherwise, I will not have time to cover the points I wish to take up.

Among the things that would be accomplished by this project, in addition to flood control, is the bringing of water to our own land within our own borders and not being subjected to the whims of the Mexican people by bringing water through their country, which we do now simply by permission. You can readily understand it would be very much better for our own people to have these works within our own boundaries than to have them in a foreign country.

In addition to supplying water for irrigation purposes to the people living in Imperial Valley, it is proposed to make available to the cities of Los Angeles, Pasadena, Riverside, San Diego, and all of the growing cities in southern California, an increased water supply for domestic and irrigation purposes. This bill proposes that the Secretary of the Interior before expending any money whatever on this great undertaking shall have contracted with these cities for this additional water supply.

Mr. EVANS of California. Right there, will the gentleman yield?

Mr. SMITH. Yes.

Mr. EVANS of California. As to that supply, no part of it, however, comes through the proposed all-American canal?

Mr. SMITH. Oh, no. That water would be taken out at a point higher up on the river and brought across to the southern California cities.

Mr. EVANS of California. So if those cities get any water by the building of this dam they will not benefit at all by the building of the all-American canal?

Mr. SMITH. Oh, no; that is entirely independent. The all-American canal is being built for the benefit of the farmers and the people living in the Imperial Valley, and the water for Los Angeles and the other cities will be brought from an entirely different portion of the river much farther to the north.

In addition to making water available to these cities, which is very greatly needed, as will be pointed out by others who will follow me, it is proposed to construct at the dam to be built in the Colorado River power plants under Government supervision and the power sold to municipalities and corporations that are willing to contract for it. These contracts must be made in advance by the Secretary of the Interior, under the provisions of the bill, before any money can be expended in building this great project.

Mr. GARBER. Will the gentleman yield there?

Mr. SMITH. Yes.

Mr. GARBER. What is the estimated proximity of the consumption of the power to the source where it is produced?

Mr. SMITH. It will be about 150 miles.

Mr. GARBER. That would include what cities?

Mr. SMITH. That would include Los Angeles, Riverside, and some of the other cities in that section.

Mr. WELLER. The gentleman made a reference to the Government advancing some money for the purpose of constructing power houses, as I understand.

Mr. SMITH. Yes.

Mr. WELLER. Is it intended that the Government shall actually construct the power house or that some private corporation will?

Mr. SMITH. It is proposed that the Government shall not only build the dam, but that the Government shall build the power plant and distribute the power at the top of the dam. That is made necessary by reason of the fact that this dam is to be constructed in a great canyon, with the walls almost perpendicular, and it would be impossible for more than one agency to operate in that section in the construction of a power house.

Mr. WELLER. The Government is to act as the operator?

Mr. SMITH. No; it would only act as the producer and would sell the power to be distributed by different companies at the top of the dam.

Mr. WELLER. Would the Government or an agency actually maintain the operation of the plant for the production of power?

Mr. SMITH. The Government officials would undoubtedly have control and management of the power house.

Mr. WELLER. Would they let or rent to an operating company?

Mr. SMITH. No; the Government would retain control.

Mr. GARBER. Will the gentleman yield?

Mr. SMITH. Yes.

Mr. GARBER. Has the gentleman a map showing the location of the dam and the lands to be irrigated?

Mr. SMITH. I have shown you the location of the land. The dam is to be located about 300 miles north of the international boundary line. The land to be irrigated lies around the Imperial Valley above the land already irrigated.

Mr. ARNOLD. Can the gentleman tell us the number of acres that is to be supplied with irrigation?

Mr. SMITH. It is estimated that 400,000 additional acres will be subject to irrigation, but the placing of water on these lands will not need to be considered for 8 or 10 years as the water will not be available until the all-American canal is constructed.

Mr. ARNOLD. That is, 400,000 acres in addition to the acreage now irrigated?

Mr. SMITH. Yes.

Mr. ARNOLD. How many acres are now irrigated?

Mr. SMITH. Four hundred and fifty thousand acres are now irrigated.

Mr. JOHNSON of Texas. Is there a provision in the bill for the construction of the all-American canal?

Mr. SMITH. Yes; that is carried in the bill and is a part of the scheme.

Reference has been made to a compact among the watershed States to which I wish to refer at this time.

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. SMITH. Yes.

Mr. SUMMERS of Washington. Is it not a fact that there would be no land irrigated except in the Imperial Valley which is now irrigated except by an additional act of Congress?

Mr. SMITH. That is true.

Mr. MOORE of Virginia. If it will not interrupt the gentleman, will he restate the cost of the dam?

Mr. SMITH. I will reach that soon.

Mr. MOORE of Virginia. And when you do that, will the gentleman give us some idea as to how the estimates were made up and from what source they came?

Mr. SMITH. Yes. Now, with reference to the controversy over the water. The watershed of the Colorado River enters into seven States, and under our water laws prior appropriations of water assures a continuation of the title to the use of that water. When it was contemplated that this improvement might be made it was thought wise for Congress to pass a law authorizing the seven States in the watershed to get together and apportion the water among themselves so as to avoid litigation in the future and insure each State a fair proportion of the water regardless of the time when the application for its use might be made. So Congress passed a law and provided that the Federal Government should be represented on the commission.

The State legislatures passed laws authorizing a commissioner from each State and that commission assembled in Santa Fe, N. Mex., in 1922. Mr. Hoover, Secretary of Commerce, was delegated by the President to represent the Federal Government and he sat with these commissioners over a period of about two months.

This commission came to an agreement as to how these waters should be divided, and each commissioner signed the agreement, and this compact was submitted to the several States for ratification. All the States excepting Arizona ratified the compact, and I am advised that in Arizona there was but one majority against ratification. Otherwise if Arizona had ratified the compact this great improvement would doubtless have been half completed by this time.

The Arizona Legislature rejected the compact by one vote, and consequently the seven-States compact has never become an entity. Every effort has been afforded to the representatives of the watershed States to agree among themselves as to the disposition of this water, but they have never been able to get together, for the reason that the delegation from Arizona and the governor of that State have been unable to see their way clear to complete the agreement.

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

Mr. SMITH. Yes.

Mr. GARBER. Without an agreement between the several States regarding a division of the waters, upon what ground would the gentleman justify appropriations by the Federal Government?

Mr. SMITH. Simply this: The Federal Government owns the land over which the Colorado River runs in the locality where it is proposed to construct this dam, and it seems hardly reasonable that the Federal Government should avoid making a great improvement such as this for the development of the

natural resources of the country because it could not get the consent of one or two States in that watershed. If that were so, any sovereign State would have superior authority over the Federal Government in a matter affecting the Government's own land.

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

Mr. SMITH. Yes.

Mr. LEATHERWOOD. I am very much interested in the statement the gentleman just made that the Government owns and controls the bed of the stream. As I understand it, this bill is intended to improve the navigation of the stream.

Mr. SMITH. Yes.

Mr. LEATHERWOOD. If it is a navigable stream, who owns the bed of the stream?

Mr. SMITH. That is another reason why we feel this bill is constitutional.

Mr. LEATHERWOOD. I am not discussing the constitutionality of the bill, but who owns the bed of the stream if it is a navigable river?

Mr. SMITH. In some States it may belong to the State, but in this instance, where it is a boundary between the States, we contend that the Federal Government controls not only the land over which the river runs but also the river itself for the benefit of the people.

Mr. LEATHERWOOD. I thought the Federal courts had decided very plainly that if it is a navigable stream the States own the bed of the river?

Mr. SMITH. There may be decisions of that kind, and that contention of the gentleman from Utah will doubtless be raised when he takes the floor. Answering the gentleman from Oklahoma [Mr. GARBER], it is unreasonable to assume that if one State objects that we would not be able to proceed with a great improvement on Government-owned land. It seems to me that that is a ridiculous position to take, and yet that is the contention that is argued by the people from Arizona.

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

Mr. SMITH. Yes.

Mr. COLTON. Is the gentleman's contention the same with reference to the water as it is with respect to the land—that the Government owns the water in those streams?

Mr. SMITH. No; if it is water entirely within the State—no.

Mr. COLTON. I mean as between two States.

Mr. SMITH. The Federal Government has absolute control of water running over its own land. That is my contention. I mean where it is a boundary stream. I want that distinction made. If this water were strictly and entirely within the State, then the gentleman's contention might apply; but this is a different proposition, as the river constitutes a boundary between two sovereign States and is on Government-owned land. For one of those two States to say that the Federal Government shall not assert its right to the control of the water on its own land seems to me to be an absurd position to take.

Mr. COLTON. I just wanted it to be clear that the gentleman understood that the Government owns and controls the water that forms the boundary line between the two States.

Mr. SMITH. Yes.

Mr. COLTON. Of course, my understanding is entirely different.

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

Mr. SMITH. Yes.

Mr. TILSON. Has the gentleman addressed himself to the possible international question as to our right to turn the water from the Colorado River into the all-American canal, and thus prevent it flowing down through Mexico?

Mr. SMITH. That question was raised earlier in the discussion, and I stated then, and I think my position is absolutely tenable, that we are under no obligations whatever to the people of another country to furnish it water that arises wholly within our own boundaries; but, as a matter of comity, we doubtless would do so where they had been using it; but if they had not been using it, it is my contention that we could, as far as international law and decisions are concerned, take the water and use it all within our own boundaries.

Mr. TILSON. Then the gentleman thinks that except for comity we might use it all, and that comity would only require that we should let flow into Mexico an amount of water equal to that which has been previously appropriated in that country.

Mr. SMITH. Yes.

Mr. MONTAGUE. If the gentleman will permit, I asked the gentleman what arrangement had been made in connection with the suggestion of the gentleman from Connecticut, and the gentleman from Idaho said that there was in contemplation a treaty, and that Attorney General Harmon had rendered an opinion in which he held that Mexico had no legal right to the water above our own boundary line.

Mr. SMITH. Yes; and that commission is now sitting, and doubtless will report within a few months.

Mr. MONTAGUE. That is based on the principle that no State has the lawful right to go into another State and interfere with it, yet history shows that questions of that kind have been frequently settled by treaty and even by war.

Mr. WAINWRIGHT. Mr. Chairman, if the gentleman will permit, the question raised by the gentleman from Connecticut [Mr. TILSON] is a fundamental and interesting question. It occurs to me that there are some other rivers in the world beside this river that flow over boundary lines in other countries. Take the River Rhine. It flows through Germany and then through Holland. The same may be said with respect to the Danube in other countries. Would the gentleman contend that Germany could impound all of the waters of the River Rhine so that none of them should ever flow out to the sea through Holland?

Mr. SMITH. I am confining my observations to my own country, and do not want to be involved in questions of the character suggested by the gentleman from New York.

Mr. GARBER. Mr. Chairman, will the gentleman yield for a question?

Mr. SMITH. Yes.

Mr. GARBER. I assume that an attempt to enter into a compact by the several States was a recognition of the rights of each State in the waters of the river. Now, if that is true, on what ground would you justify a Federal appropriation in the absence of any agreement? As I recall, that question was asked Secretary Hoover in testifying before the committee, and he advised against appropriations being made until Arizona had ratified the compact.

Mr. SMITH. He may have so stated earlier in the hearings, and I do reach a conclusion.

Mr. GARBER. Perhaps conditions have arisen since that time to change that?

Mr. SMITH. That is the case. Arizona is not being injured in any way in her rights to use the water, and even under the six-State compact they will be amply protected.

Mr. CRISP. Mr. Chairman, will the gentleman permit one question?

Mr. SMITH. Yes.

Mr. CRISP. Does the United States Government own the land that will be overflowed as a lake when this dam is constructed?

Mr. SMITH. Yes. It is all on the public domain.

Mr. CRISP. What is the area that will be covered by the lake?

Mr. SMITH. I do not know the exact area. It backs the water up about 80 or 90 miles.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. SMITH. Certainly.

Mr. MOORE of Virginia. Going back to the question which the gentleman from Connecticut [Mr. TILSON] referred to, this bill would not violate any treaty that we have with Mexico?

Mr. SMITH. No. We have none now.

Mr. MOORE of Virginia. Have we ascertained in any way, even tentatively, the attitude of Mexico?

Mr. SMITH. Oh, yes. Three years ago we authorized a commission to negotiate with Mexico. That commission sat as recently as six weeks ago.

Mr. MOORE of Virginia. Have they arrived at a conclusion?

Mr. SMITH. It is expected that an agreement will be arrived at by reason of the deliberation of that commission. We do not anticipate any trouble in adjusting the matter.

Mr. TILSON. As to the land being Government land, the gentleman might state that it is public land, and it will probably remain so for all time. It is of no value for public use. It is perhaps the only case of that kind I know of, where we own land that is of no use.

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

Mr. SMITH. Certainly.

Mr. MONTAGUE. How much land does the Government own on each side?

Mr. SMITH. For probably a hundred miles, it is all public land, except that a few mining claims which may have been initiated.

Mr. MONTAGUE. As to the title of that land, where is it?

Mr. SMITH. It is in the Government.

Mr. MONTAGUE. How far on each side does the Government title run?

Mr. SMITH. About 100 or more miles on each side.

Mr. JOHNSON of Texas. Mr. Chairman, will the gentleman yield?

Mr. SMITH. Yes.

Mr. JOHNSON of Texas. Will the gentleman please name the States involved?

Mr. SMITH. California, Arizona, Colorado, Nevada, New Mexico, Wyoming, and Utah.

Now, I want to revert to my previous statement, that the Federal Government will be reimbursed for the cost of this improvement. The cost of the dam is estimated at \$41,000,000. The horsepower equipment will cost \$31,000,000. The all-American canal will cost \$31,000,000, and added to that sum of \$104,000,000 is the interest at 4 per cent for five years, \$20,000,000, which aggregates \$125,000,000.

It is proposed to reimburse the Government this money by the sale of water to the southern California cities, and by the sale of power to municipalities and corporations who wish to purchase and distribute it. The farmers who will be benefited by the placing of water on their lands, which are to be reclaimed when Congress authorizes such reclamation, will repay their share.

The safeguards in the bill are such that the Secretary of the Interior can not proceed until after a six-State compact has been ratified. Nor can he proceed in the expenditure of any money until after he has contracted with the various municipalities to purchase water and hydroelectric power in sufficient quantities to make the profits accruing from the sale of water and power sufficient to repay the Government over a period of not exceeding 50 years. It has been estimated that the Government will be reimbursed in 25 years or 30 years. The bill provides 50 years so as to make it absolutely certain that the Government will be reimbursed.

Mr. WELLER. Will I disturb the gentleman's argument if I ask him if he will anticipate the statement of the gentleman from Arizona [Mr. DOUGLAS] and give us some of the reasons why the State of Arizona is opposed to it?

Mr. SMITH. There are several reasons. We can not ascertain definitely what they are. But the gentleman from Arizona is a very astute and learned man, and he will be able probably to enlighten the House as to what his objections are. We have not been able definitely to ascertain, but one of the reasons, we think, that impels Arizona to oppose this legislation is the fact that their delegation contends that inasmuch as one end of this dam must rest on Arizona soil, the Federal Government must give Arizona a share of the profits. Nevada last year took the same position. There is a provision in the bill that when the amortization plan is worked out, if there is any excess profit in any particular year, provided there are no payments overdue in previous years, those two States shall have a proportionate share of the profits from the sale of this power. While I have acquiesced in this amendment, I would prefer that the Federal Government should be reimbursed for the money expended, including interest, and then the Congress shall determine how this great project shall be managed, and what proportion of profits from operating the plant in the way of sale of water and power shall go to the States.

Mr. COX. You have provided for that in the provisions of the bill? You have recognized that part of the claim of Arizona by making provision in the bill for reimbursement?

Mr. SMITH. Yes. There is an amendment of that kind. We did it with the hope and expectation that Arizona would come into the compact when we inserted that provision, yet the Arizona delegation is opposing the bill just as strongly as they had before.

Another reason why we surmise Arizona is opposed to this improvement is because of the fact that there are scores of applications for power sites on the river in Arizona which, if granted, will mean revenue to the State of Arizona in the way of taxes. These applications may be granted when the embargo is released, which expires on the 4th of March, 1929. If these proposed power plants are developed, then the State of Arizona would receive from these plants a property tax which they would not receive from a Government-owned dam and power plant.

Mr. COX. Can the gentleman advise us when these applications were filed? Have they been filed since this question of Boulder Dam first arose and were they made with the view of complicating the situation?

Mr. SMITH. I would say that they have been filed within the last five years, and they have been held up by an act of Congress, anticipating that some agreement would be reached among these seven States which would enable this legislation to be passed without opposition.

Mr. ARENTZ. Will the gentleman yield?

Mr. SMITH. Yes.

Mr. ARENTZ. Is it not true that if any one of the States of Arizona, California or Nevada, or any of the other Colorado River Basin States, wishes to acquire a right to the water in the Colorado watershed, it first makes an application to the

State authority, whether that be the power commission or State engineer, and if it wishes to acquire the right to develop power it secondly makes application to the Federal Power Commission? I think there is an erroneous understanding here in regard to the water. Surely the gentleman from Idaho does not contend that the water of the Colorado River, whether that water is in the bed of the Colorado River when it forms a boundary line between two States or whether it is in the bed of the Grande or White, which are not interstate boundary lines, or in the Green River in Wyoming, which is far from any boundary line, belongs to the Federal Government.

Mr. SMITH. No; I do not.

Mr. ARENTZ. Several gentlemen have stated to me that they understood the gentleman to say that the water of the Colorado River belonged to the Federal Government.

Mr. SMITH. The Federal Government has control of the water in the Colorado River where it divides the States of Arizona and Nevada.

Mr. ARENTZ. The control of the water is a different proposition than the water itself.

Mr. SMITH. The Federal Government controls the water in the Colorado River for one reason because it is a navigable stream and for another reason, my contention is, because it is on public land and is a boundary stream.

Mr. ARENTZ. I think the gentleman is stating a misconception. The water itself is an entirely different proposition from authority to direct that water. For instance, the Federal Power Commission directs any licensees as to how they must develop their power, but it certainly does not step into any State authority and tell that State authority that anyone in the State must come to the Federal Government for permission to use the water. That is what I am getting at.

Mr. SMITH. No; the Federal Government does not need to secure any permit for the use of water in its own streams, nor in this instance does it need to go to Arizona or Nevada to get a permit.

Mr. ARENTZ. That is exactly what I am saying. The use of the water is an entirely different proposition.

Mr. SMITH. Certainly.

Mr. ARENTZ. It belongs, as any other natural resource, to the State?

Mr. SMITH. Yes.

Mr. ARENTZ. I wanted that clearly understood, and I did not want any misunderstanding about it.

Mr. SMITH. I am not disputing that.

Mr. ARENTZ. We are all western men here, and we know that in order to get the right to use water you have got to put it to a beneficial use.

Mr. SMITH. I am not disputing that, but I do contend that the Federal Government is supreme, and it can control the water in the Colorado River without getting a permit from Nevada or Arizona.

Mr. ARENTZ. For the reason that it is an international stream?

Mr. SMITH. Yes.

Mr. ARENTZ. It flows over public land from the head of the Wind River Mountains in Wyoming, the Continental Divide in Colorado, clear down to Mexico, and it also flows through seven States, and if these seven States can not get together, then somebody else has got to step in and tell them what to do.

Mr. SMITH. And in this instance it is the Federal Government.

Mr. MOORE of Virginia. Let me ask the gentleman if he will turn to the other map and show us the location of the several States he has referred to with reference to the Boulder Dam proposition and the river, and also say whether there is any opposition indicated except by Arizona. I have gotten the impression from something that has occurred in the other body that there is strenuous opposition by Utah.

Mr. SMITH. Utah was in the compact, and for reasons best known to the Members from Utah, which they will explain, they withdrew. They claim, and probably will so state, it is because of some controversy over the water, but I do not see how they can substantiate such a contention when the compact gives the upper States one-half of the water in the river.

Mr. COLTON. In the interest of accuracy, the State of Utah has not withdrawn from the seven States compact.

Mr. SMITH. No; the State of Utah has not formally withdrawn, but it took some action in its legislature which had practically the same effect as withdrawing.

Mr. COLTON. In the interest of accuracy, that was with regard to the six-State compact. We have always maintained our adherence to the seven-State compact and we have no condition, for instance, like California. We have an unconditional ratification of the seven-State compact.

Mr. SMITH. Yes.

Mr. COLTON. And we stand on that.

Mr. SMITH. These are the States composing the watershed of the Colorado River Basin: A small portion of Wyoming is in this watershed, the eastern part of Utah and Nevada, the western part of Colorado, the western part of New Mexico, practically all of Arizona, and a small portion of the eastern side of the lower part of California.

It is proposed to build Boulder Dam at this point, where the river turns southward [indicating].

Now, I wish to refer briefly—because I have only a few minutes remaining—to the assertion that has been made that the engineering estimates are too low. I wish to insert in the RECORD data concerning some of the great engineers who have built reclamation projects in the United States, all of which are standing firm, and probably will be so for centuries to come.

It is true that the estimates on some of the earlier constructions were lower than the actual expenditures, because of the fact that during the war and following the war the price of material doubled and the cost of wages almost doubled. Everyone who did any construction work in 1914 or 1915 on estimates made prior to those years discovered to his dismay that the construction work cost nearly twice as much as the estimate, but since the war it will be shown by the records that the construction of these great projects has been much less than the estimate. A dam was recently completed at American Falls, Idaho, in my own district, that cost \$4,000,000, on which there was a saving of nearly \$800,000. So we feel absolutely sure that these works will cost even less than the amount estimated.

If I may have consent, Mr. Chairman, I wish to extend my remarks in the RECORD by putting in some data with reference

to these various constructions in the Reclamation Service and also a biographical sketch of some of the engineers who constructed these works, especially Mr. Arthur Powell Davis and Mr. Frank E. Weymouth, who constructed up until 1923 several of the largest dams in the country.

The CHAIRMAN. The gentleman from Idaho asks unanimous consent to extend his remarks in the RECORD in the manner indicate. Is there objection?

There was no objection.

Mr. SMITH. At Boise, Idaho, we have the Arrowrock Dam, which is the highest dam in the world, and it was built under the direction of these two engineers. Since they left the service five years ago other engineers have been carrying on this work, and we feel that they are as competent as any engineers in the country, not excepting those in the Army and those engaged with the big construction companies of the United States.

Mr. DOUGLAS of Arizona. Will the gentleman yield?

Mr. SMITH. Yes.

Mr. DOUGLAS of Arizona. Did Mr. Arthur P. Davis ever approve the engineering design and the estimates of cost of this project?

Mr. SMITH. I think the records will show that he did approve them.

Mr. DOUGLAS of Arizona. Will the gentleman answer another question? At the time he approved such estimates and designs of the project was he not being retained by the Los Angeles Bureau of Power and Light?

Mr. SMITH. Well, I will let the gentleman make his own statement in regard to that. I do not know.

Mr. DOUGLAS of Arizona. He was.

Dams constructed by United States Reclamation Service

Name	Location	Type of dam	Height	Crest length	Reservoir capacity
			<i>Feet</i>	<i>Feet</i>	<i>Acre-feet</i>
American Falls	American Falls, Idaho	Concrete gravity and earth fill	78	4,971	1,760,000
Arrowrock	Elmore County, Idaho	Rubble concrete arch, gravity	349	1,100	280,000
Avalon	Eddy County, N. Mex.	Earth and rock fill, concrete core	50	1,380	7,000
Bella Fourche	Butte County, S. Dak.	Earth fill	122	6,200	203,000
Do	do	Concrete weir, overflow	23	400	
Black Canyon	7 miles above Emmett, Idaho	Concrete masonry	183	1,040	
Boise River	Ada County, Idaho	Rubble concrete weir	45	246	
Bumping Lake	Rainier National Forest, Wash.	Earth fill, water deposited core	45	3,425	
Carson River	Churchill County, Nev.	23 concrete sluiceways	20	240	
Clear Creek (storage)	Yakima County, Wash.	Single concrete arch, gravity abutments	84	404	
Clear Lake (storage)	Modoc County, Calif.	Rock fill	33	790	402,000
Cle Elum (storage)	Washington	Rock fill and timber crib	11	193	
Cold Springs	Umatilla County, Oreg.	Earth and rock fill	98	3,800	
Corbett (diversion)	Park County, Wyo.	Reinforced concrete weir	18	400	
Conconully	Okanogan County, Wash.	Hydraulic earth fill	67	1,000	14,400
Deaver (storage)	Wyoming	Earth fill	14	1,300	680
Deer Flat Forest	Canyon County, Idaho	do	16	950	
Dodson (diversion)	Phillips County, Mont.	Timber crib, rock filled, removable crest	25	319	
East Canal	Colorado, Montrose County, T. 50 N., 10 W., sec. 15.	Movable flashboard weir (2)	(1)	144	
Easton	Washington, Easton	Concrete gravity (diversion)	65	250	
East Park (storage)	California, Colusa County, T. 17, 18 N., 6 W., sec. 34-3.	Concrete arch, gravity	139	250	
East Park Feed Canal (diversion)	California, Colusa County, T. 18 N., 7 W., sec. 35.	Concrete arch	44	154	
Echo (diversion)	Oregon, Umatilla County, T. 3 N., 29 E., sec. 22.	Concrete weir on timber crib	2½	400	
Echo (storage)	Utah, near Echo	Earth fill	130	1,900	
Elephant Butte (storage)	New Mexico, Sierra County, 120 miles north of El Paso.	Rubble concrete, gravity	306	1,155	
Elephant Butte Dike (storage)	do	Rock and earth fill embankment	42	2,000	2,638,000
Garnet (diversion)	Colorado, Montrose County, T. 51 N., 10 W., sec. 20.	Rock baskets faced and surfaced with concrete	6.5	75	
Gerber	35 miles east of Klamath Falls, Oreg.	Variable radius arch	85	478	94,000
Gibson (storage)	23 miles northwest of Augusta, Mont.	Concrete gravity arch	179	900	140,000
Grand Valley (diversion)	Mesa County, Colo.	Masonry ogee weir with roller crest	24	546	
Granite Reef (diversion)	Maricopa County, Ariz.	Rubble concrete weir, gravity overflow	38	1,000	
Guernsey	Guernsey, Wyo.	Gravel and rock fill	100	560	
Gunnison (diversion)	Montrose County, Colo.	Crib on rock fill and movable flood boards	15½	237	
Horse Creek	Wyoming	Concrete and earth	6	118	
Indian Creek Dike	Wasatch County, Utah	Earth fill, reinforced concrete core wall	38	1,311	
Ironstone	Montrose County, Colo.	Pile foundation with timber deck and needle flood boards	8½	58½	
Jackson Lake	Lincoln County, Wyo.	Massive concrete gate section and earth fill	67	4,450	847,000
Joint Head	Maricopa County, Ariz.	Concrete weir	30	600	
Laguna (diversion)	Yuma, Imperial County, Ariz.-Calif.	Indian weir, concrete and rock fill	40	4,780	
Lahontan (storage)	Churchill County, Nev.	Earth and gravel fill, concrete spillways	124	1,400	273,600
Lake Kaheess (storage)	Kittitas County, Wash.	Earth and gravel fill, rolled	63	1,400	
Lake Keechelus (storage)	do	do	70	6,500	152,000
Lake Tahoe (storage)	California-Nevada	Concrete sluiceways regulator	14	109	
Lost River (diversion)	Klamath County, Oreg.	Hollow reinforced concrete	40	290	
Loutzenhizer (diversion)	Montrose County, Colo.	Pile and timber weir	8	100	
Lower Deer Flat (storage)	Canyon County, Idaho	Earth fill	40	7,200	
Lower Lost River (diversion)	Klamath County, Oreg.	Reinforced concrete	15	204	
Lower Yellowstone (diversion)	Dawson County, Mont.	Rock-filled timber weir	12	700	
Leasburg (diversion)	Dona Ana County, N. Mex.	Rubble concrete weir	10.8	600	
Malone (diversion)	45 miles southeast of Klamath Falls, Oreg.	Earth embankment with spillway and reinforced concrete canal head gate structure	32	400	
Maxwell Canal (diversion)	Umatilla County, Oreg.	Concrete weir on timber crib	2.3	175	
McKay (storage)	7 miles south of Pendleton, Oreg.	Gravel fill	160	2,600	
McMillan (storage)	Eddy County, N. Mex.	Earth and rock fill	55	2,070	45,000
Mesilla (diversion)	Dona Ana County, N. Mex.	Rubble concrete weir	16.7	303	
Mexican (diversion)	Near El Paso, Tex.-Mex.	Rubble masonry	4.7	320	

1 6 feet and 6 feet 10 inches.

Dams constructed by United States Reclamation Service—Continued

Name	Location	Type of dam	Height Feet	Crest length Feet	Reservoir capacity Acre-feet
Minatare (storage)	Scotts Bluff County, Nebr.	Earth fill	63	3,760	60,760
Minidoka	Blaine County, Idaho	Rock fill, concrete core combination, hydraulic and rock fill.	86	937	
Montrose and Delta	Montrose County, Colo.	Timber weir with concrete apron spillway and cut-off wall.	6.8	68.5	
Nelson Reservoir	Phillips County, Mont.	Earth fill	28	9,900	68,500
Northside	California	Concrete weir with removable crest	8	360	
Pathfinder (storage)	Natrona County, Wyo.	Broken range masonry arch	218	432	1,070,000
Pathfinder Dike	do.	Earth fill	38	1,650	
Percha	Sierra County, N. Mex.	Rubble concrete	17	350	
Pilot Butte No. 1	4 miles southwest of Pavillion, Wyo.	Earth embankment	40	1,350	
Pilot Butte No. 2	do.	do.	24	1,150	
Pilot Butte No. 3	do.	do.	12	3,400	
Point of Rocks	Logan County, Colo.	Earth	86		
Power Canal	Maricopa County, Ariz.	Rubble concrete weir	12½	400	
Ralston (storage)	Park County, Wyo.	Earth fill	50	2,200	2,100
Roosevelt (storage)	70 miles northeast of Phoenix, Ariz.	Rubble masonry arch gravity	280	1,080	1,637,300
Salmon Creek (diversion)	Okanogan County, Wash.	Concrete weir	4½	50	
Salmon Lake (storage)	do.	Earth embankment	40	1,260	10,500
Selig (diversion)	Montrose County, Colo.	Pile and timber weir with concrete sump.	6	95½	
Shoshone (storage)	Park County, Wyo.	Rubble concrete arch	328	200	456,600
Stony Gorge (storage)	8 miles west of Fruto, Calif.	Hollow reinforced concrete	120	828	
Strawberry (diversion)	Utah	Earth	6	100	
Strawberry (storage)	do.	Earth fill, reinforced concrete core wall	72	488	255,000
Sunnyside (diversion)	Washington, Yakima County	Concrete ogee weir, earth dike	8½	500	
Sun River (diversion)	Montana, Lewis and Clark, Teton Coun- ties.	Concrete masonry arch	132	212	
Swift Current (diversion)	Montana	Earth and timber crib, rock fill	13	2,800	
Spanish Fork (diversion)	Utah, Utah County	Concrete weir, ogee gravity section	17	70	
St. Mary (diversion)	Montana	Concrete	6½	198	
Three Mile Falls (diversion)	3 miles north of Hermiston, Oreg.	Concrete multiple arch	24	800	
Tieton (diversion)	Rainier National Forest, Yakima County, Wash.	Concrete and rock filled crib	3	110	
Tieton (storage)	30 miles west of Yakima, Rimrock, Wash.	Earth fill and rock fill concrete core wall	222	905	202,500
Truckee River	Washoe, Nev.	16 concrete sluiceways	22	171	
Upper Deer Flat	Canyon County, Idaho	Earth fill	70	4,000	
Vandalia	Valley County, Mont.	Reinforced concrete, hollow movable crest	34	1,500	
Whalen (diversion)	Wyoming, Goshen County, T. 26 N., R. 65 W., secs. 2, 11.	Concrete weir and earth	35	300	
Willow Creek (storage)	Montana, Lewis and Clark County, T. 21 N., R. 6 W., sec. 30.	Earth fill	72.5	525	86,000
Willwood (diversion)	Wyoming, 4 miles southwest of Ralston	Concrete gravity ogee weir section	70	320	
Wind River	Wyoming, sec. 23, T. 3 N., R. 2 W.	Concrete weir, earth embankment	26-26	1,656	

ENGINEERS FORMERLY IN UNITED STATES RECLAMATION SERVICE

Arthur Powell Davis, civil engineer: Born Decatur, Ill., February 9, 1861; graduate of State normal school, Emporia, Kans.; B. S. Columbian (now George Washington) University, 1888 (Sc. D., 1917); topographer United States Geological Survey 1884-1894, conducting surveys and explorations in Arizona, New Mexico, and California; hydrographer in charge of all Government stream measurements, 1895-1897; hydrographer in charge of hydrographic examination of Nicaragua and Panama canal routes, 1898-1901; chief engineer United States Reclamation Service, 1906-1914; director of same from 1914 to 1923; consulting engineer, Panama Canal, 1909. Member American Society of Civil Engineers (president, 1920), Washington Academy of Sciences (vice president, 1908), Washington Society of Engineers (president, 1907), etc. Author: Elevation and Stadia Tables, 1893; Progress of Stream Measurements, 1897; Irrigation near Phoenix, Ariz., 1897; Irrigation Investigation in Arizona, 1898; Hydrography of Nicaragua, 1899; Hydrography of the American Isthmus, 1902; Water Storage on Salt River, Ariz., 1903; Irrigation Works Constructed by the United States Government, 1917; treatise on irrigation engineering; also articles in magazines on irrigation, the isthmian canals, and other hydrographic subjects.

Frank Elwin Weymouth, civil engineer: Born Medford, Me., June 2, 1874; civil engineer, University of Maine, 1896. Sewer and waterworks construction, Boston and Malden, Mass., 1896-1899; assistant city engineer, Winnipeg, Manitoba, January-August, 1899; with Isthmian Canal Commission at Nicaragua and Washington, 1899-1901; resident engineer Guyaquil & Ecuador & Quito Railway Co., 1901-1902; with United States Reclamation Service since 1902, on surveys and investigations in Montana and North Dakota, 1902-1908; project engineer in charge of lower Yellowstone project in eastern Montana, 1908-1915; supervising engineer in charge of Idaho district, including Snake River drainage in Wyoming, Idaho, and eastern Oregon, covering irrigation of more than 400,000 acres of land, and storage dams at Jackson Lake, Wyo., and on upper branches of Snake and Boise Rivers; completed building the Arrowrock Dam; chief of construction, United States Reclamation Service, in charge of all work (except legal) in the West, 1916-1920; chief engineer United States Reclamation Service, April 1920-1923. Member American Society of Civil Engineers, Alpha Tau Omega. Republican.

ENGINEERS NOW IN THE UNITED STATES RECLAMATION SERVICE

The present Commissioner of Reclamation, Dr. Elwood Mead, enjoys not only a national but an international reputation for his skill as a great engineer and economist.

Elwood Mead, engineer, Commissioner Bureau of Reclamation; born Patriot, Ind., January 16, 1858; B. S., Purdue University, 1882, M. S.

1884; D. engineering, Purdue, 1904; LL. D., University of Michigan, 1925; assistant engineer, United States Engineers 1882-83; professor in Colorado Agricultural College, 1883-84 and 1886-1888; Territorial and State engineer of Wyoming, 1888-1899; chief irrigation and drainage investigation, United States Department of Agriculture, 1897-1907; professor institutions and practice of irrigation, University of California, 1898-1907; chairman State rivers and water-supply commission, Victoria, Australia, 1907-1915; professor rural institutions, University of California, 1915, and chairman land settlement board; Commissioner of Reclamation by appointment of President Coolidge April, 1924. Consulting engineer for various irrigation and waterworks companies. Member American Society of Civil Engineers, British Institute of Civil Engineers. Has written articles, reports, etc., on irrigation, engineering, and other subjects. Author: Irrigation Institutions; Helping Men Own Farms. Address: Bureau of Reclamation, Washington, D. C.

Raymond F. Walter, chief engineer Bureau of Reclamation, 441 Welton Street, Denver, Colo.: Civil and irrigation engineer; born Chicago, Ill., October 31, 1874; education, public and high schools, Fort Collins, Colo. Degree of B. S., Colorado Agricultural College, in irrigation engineering in 1893. Irrigation Engineering Co., surveyor, Weld County, Colo., 1898-1902; city engineer, Greeley, Colo., 1901-1903; project manager United States Reclamation Service, Belle Fourche project, 1903-1908; supervising engineer Rocky Mountain division, 1908-1915; senior engineer southern district, 1915-16; assistant chief of construction, 1916-1920; assistant chief engineer, 1920-1924; acting chief engineer, 1924-25. Appointed chief engineer Bureau of Reclamation May, 1925. Engineer on construction of many canals, reservoirs, and irrigation systems in northern Colorado and Greeley district; engineer in charge of construction of Belle Fourche Dam and project system for irrigation of about 100,000 acres in South Dakota. Supervising engineer on the construction of the Grand Valley irrigation project of about 50,000 acres and the completion of the construction of the Gunnison tunnel and the Uncompahgre project; also Pathfinder Dam, and North Platte project; chief engineer on the construction and operation and maintenance of 25 large irrigation projects in the Western States. Member American Society of Civil Engineers.

Andrew J. Wiley, consulting engineer Bureau of Reclamation, Boise, Idaho. Engineer, born in New Castle, Del., July 15, 1862; educated at Delaware College, Newark, Del., Ph. B. 1882; engaged in survey and construction, Philadelphia and Baltimore branch Baltimore & Ohio Railroad in Delaware and Maryland in 1883; rodman and assistant engineer Idaho Mining & Irrigation Co., Boise, Idaho, 1883-1886; assistant engineer of construction Union Pacific Railroad, Butte, Mont., 1886-1888; chief assistant engineer Idaho Mining & Irrigation Co. on construction large irrigation system, 1882-1892; chief engineer and

manager Owyhee Land & Irrigation Co., Grandview, Idaho, constructing large irrigation system, 1892-1898; chief engineer Swan Falls power plant, Boise, Idaho, 1900-1902; chief engineer Boise-Payette River Electric Power Co. and city of Cheyenne, Wyo., on construction of Granite Springs Reservoir, 1902-1904; chief engineer Barber Lumber Co., Boise, Idaho, for construction of large dam and power plant on Boise River, 1904-1905; consulting engineer Twin Falls North Side Land & Water Co., Twin Falls, Oakley Land & Water Co., Twin Falls Salmon River Land & Water Co., 1906-1914; chief engineer Trade Dollar Consolidated Mining Cos., Swan Falls power plant extension, 1909-1911; Great Shoshone & Twin Falls Water Power Co., 1907-1914; Southern Idaho Water Power Cos., American Falls power plant, 1911-1914; consulting and designing engineer Don Pedro Dam and power plant, for Turlock and Modesto irrigation districts, California, 1918-1923; consulting engineer, storage and power development of San Joaquin River water-storage district, and of Kern River water-storage district, California, 1924-1925; consulting engineer on Melones Dam, of San Joaquin and Oakdale irrigation district, California, on construction of Exchequer Dam and power plant, 1924-1925; consulting engineer reconstruction of irrigation system, Bitter Root Valley irrigation district, Montana, and West Okanogan Valley irrigation district, Washington, 1923-1924; consulting engineer construction of Loga City power plant, Utah, 1924-1925; consulting engineer Bureau of Reclamation 1905 to the present time; member American Society of Civil Engineers and Institute of Consulting Engineers.

Louis C. Hill, consulting engineer, Bureau of Reclamation, Los Angeles, Calif.; consulting engineer, born Ann Arbor, Mich., February 22, 1865; degree of B. S. in civil engineering, 1886; B. S. electrical engineering, 1890; master of engineering (honorary), 1911, University of Michigan; division engineer, Duluth, Redwing & Southern Railway, 1887; assistant engineer, United States Army, 1888; professor of hydraulic and electrical engineering, Colorado School of Mines, 1890-1903; supervising engineer in charge of Salt River project, 1903-4; in charge of Arizona project, 1905-6; in charge of the southern district, 1906-1914 (district comprising Utah, Texas, Arizona, New Mexico, southern California, and parts of Colorado and Wyoming); charge of Roosevelt Dam, Elephant Butte Dam, Laguna Dam, and other works, including 6 miles of tunnels for Bureau of Reclamation; consulting engineer and member of firm of Quinton, Code & Hill, consulting engineers, since 1914; consulting engineer on many projects—Gibraltar high-arch dam; Pine Flat Dam near Fresno, Madera Dam near Madera, Calif., Boulder Canyon Dam, 700 feet high, across the Colorado River; member of board of engineers, Columbia Basin district, 1,800,000 acres; member of board of engineers of water supply of the city of Los Angeles; consulting engineer, United States Army, construction of Camp Kearney during war; member United States-Mexican Commission to divide the waters of the Colorado and Rio Grande; member of American Society of Civil Engineers, Geographic Society, and Forestry Association.

David C. Henny, consulting engineer, Bureau of Reclamation, Portland, Ore. Born Arnhem, the Netherlands, November 15, 1860. Degree of civil engineer from the Government Polytechnic University, Delft, the Netherlands, 1881. On railroad location, Holland, 1881-1884; railroad waterworks and irrigation construction, Eastern, Middle Western, and Mountain States, 1884-1891. General manager, Excelsior Wooden Pipe Co., San Francisco, Calif., 1892-1902; general manager, Redwood Manufacturing Co., San Francisco, Calif., 1902-1905. Supervising engineer, Pacific coast district, 1905-1909. Consulting engineer since 1909. Private practice as consulting engineer, Portland, Ore., since 1910. Director, Lumbermans Trust Co., Portland, Ore. Introduced wooden-stave pipe on the Pacific coast. Built large number of pioneer lines, first direct-motor drive for heavy woodworking machinery, new features in earth dam designs, connected with construction of important dams of the Bureau of Reclamation. Designed Henny-Venturi Weir. Contributor to the American Society of Civil Engineers. Transactions on "earth dams" and numerous discussions. Contributed to 1915 International Engineering Congress, San Francisco, Calif., jointly with A. P. Davis, on "dams." Member American Society of Civil Engineers (past director); Oregon Technical Council (past president); Royal Institute of Holland.

Osmar Lysander Waller, consulting engineer, Bureau of Reclamation: Civil engineer, educator; born Lyken, Ohio, November 30, 1857; P. H. B., 1883, P. H. M., 1887, Hillsdale College; student law department, University of Michigan, 1883-84 and 1886 to 1887. Student in mathematics, University of Chicago. Superintendent of schools, Dexter, Mich., 1884-1886, 1887-1890; admitted to Michigan bar, 1886; superintendent of schools, Colfax, 1890-1893; professor of mathematics and civil engineering since 1893 and vice president since 1909, State College of Washington; expert in irrigation, United States Department of Agriculture, 1900-1904; in charge of field work in summer; consulting engineer, State Board Land Commission of Idaho, on construction work of South Side Twin Falls Land & Water Co., 1907-1908; on Marysville project, 1908; delegate to conference of governors, Washington, D. C., 1908; chairman of commission to recommend to Washington legislature changes in water laws, 1910; expert for Twin Falls Land & Water Co., Twin Falls, Idaho, 1912. Consulting engineer with

Bureau of Reclamation. Vice president first national bank, member of board of education, Pullman, Wash., 1897-1903; secretary of the Columbia Basin Survey Commission. Contributed bulletins on irrigation and irrigation laws. Member of American Society of Civil Engineers.

Leslie Newman McClellan, Wilda Building; residence, 1065 Logan Street, Denver, Colo. Chief electrical engineer, Bureau of Reclamation; bachelor of science in electrical engineering, University of Southern California; since 1911 with the United States Reclamation Service; assistant engineer in charge of power system on Salt River project, 1911-1917; 1919 to 1924, electrical engineer in office of chief engineer of the United States Reclamation Service; 1924, engineer transmission department of Southern California Edison Co.; 1925, chief electrical engineer, Bureau of Reclamation, Denver, Colo.; entered active duty as first lieutenant, Engineer Reserve Corps, United States Army, 1917; served overseas, 1918; went through British tank school; served with British on the western front and also attached to the French tank corps for instruction; returned to United States June 18, 1918; served as instructor in tank school until discharged, December 20, 1918; now captain, Officers' Reserve Corps; associate member American Institute Electrical Engineers.

John L. Savage, chief designing engineer, Bureau of Reclamation, Denver, Colo.; with Bureau of Reclamation as engineer aide, 1903-4; assistant engineer, 1904-5; engineer, 1905-1908; resigned, 1908; in private practice with A. J. Wiley, 1908-1914; designing engineer, Bureau of Reclamation, 1914-1926; chief designing engineer, 1926 to date. Has had responsible charge of all civil engineering designing work for the entire Bureau of Reclamation since 1914. Recent work has included the preparation of designs, specifications, and advertisements for a number of important dams, the construction of which has been authorized by Congress, among them being the Stony Gorge Dam, Orland project; Owyhee Dam, Owyhee project; Gibson Dam, Sun River project; Echo Dam, Salt Lake Basin project. The estimated cost of these new structures range from \$1,250,000 to \$6,000,000.

Walter Rollo Young, construction engineer, Bureau of Reclamation, Ellensburg, Wash.: Born, Butler, Ind., 1908; B. S. in mining engineering, University of Idaho. June-September, 1902, chairman, Cook County, Minn. June to September of years 1903 and 1904, rodman, Great Northern Railway. Summers 1905-1908 and June, 1908, to June, 1909, mining and assaying in Idaho, Canada, and Arizona. July to December, 1909, mine surveyor, surface and underground work, Wallace, Idaho. January to February, 1910, topographer, Inland Empire Railroad, near Colfax, Wash. March to May, 1910, draftsman, Sweetwater Irrigation Co., Lewiston, Idaho, design and layout of pressure irrigation system. June, 1910, to July, 1911, inspector on plans and computations in State engineer's office, Boise, Idaho, in connection with Carey Act work. August, 1911, to date with United States Reclamation Service as follows: August, 1911, to October, 1916, assistant engineer acting as designer on construction of Arrowrock Dam, Idaho, including design of construction camp, construction plant, diversion works, dam, spillway, logway, etc.; some instrument work and concrete inspection; November, 1916, to December, 1920, assistant engineer and engineer in charge of mechanical division, designing department, chief engineer's office, Denver, Colo., design and standardization of gates and mechanical devices for irrigation structures and in charge of design and estimates for storage works, including dams, spillways, outlet works, etc.; January, 1921, to April, 1924, engineer in charge of investigations in connection with development of Colorado River, including field investigations at four dam sites in the vicinity of Boulder Canyon, and designs and estimates for dams and appurtenant structures at Glen Canyon, Diamond Creek, Bridge Canyon, Boulder Canyon, Black Canyon, Bulls Head, Mohave Canyon, and Parker; May, 1924-Apr., 1926, engineer in charge of investigations of proposed barrier below the mouth of Sacramento and San Joaquin Rivers, to prevent incursions of salt water, and of the proposed Iron Canyon project to irrigate some 225,000 acres in Sacramento Valley. Since April, 1926, construction engineer in charge, Kittitas division, Yakima project, Ellensburg, Wash.

Harold Dearborn Comstock, Riverton, Wyo. Civil engineer; born Chelsea, Vt., June 13, 1882. B. S., Dartmouth College, 1903; C. E., Thayer School of Civil Engineering, 1904. With United States Reclamation Service since 1904 (except November, 1908, to March, 1909, with Denver Reservoir Irrigation Co., of Denver, Colo.); stream gaging work, 1904-5; chief of party on surveys and construction, 1905-1908; resident engineer in charge construction, all above on Belle Fourche project, March-November, 1909; chief of party on construction, Pathfinder Dike and Tunnels, 1909-10; in charge of above, including operation, 1910-1913; in charge of drainage, 1913-1918; also office engineer and principal assistant to project manager, all latter on North Platte project, 1915-1918; project manager Riverton project, since 1918. Superintendent, Riverton project, Bureau of Reclamation, Riverton, Wyo. Member American Society Chemical Engineers, A. A. A. S., Thayer Society of Engineers, National Geographic Society.

Edward B. Darlington, Superintendent, Minidoka project, Bureau of Reclamation, Burley, Idaho. Civil engineer, born West Chester, Pa., March 9, 1874. Special course in science and mathematics, West Chester State Normal School. Engaged in mining and surveying with

gold dredging company in Boise Basin, Idaho, 1898-1903; with State engineer of Idaho and Intermountain Road Commission in charge of irrigation surveys and mountain-road construction, 1903-1906; locating engineer, Big Lost River Irrigation Co., 1906-7. Private practice, Boise, Idaho, 1907-8; locating engineer, United States Reclamation Service, 1908-9; locating engineer, assistant chief engineer, and chief engineer, Twin Falls-Salmon River Land & Water Co., 1909-1917; chief engineer, Twin Falls North Side Land & Water Co., 1917-1921; project manager, Minidoka project, United States Reclamation Bureau, Burley, Idaho.

Homer Johnston Gault, construction engineer, United States Bureau of Reclamation, Denver, Colo.; residence, Painesville, Ohio: Civil engineer; born Mahoning County, Ohio, 1869; educated in public schools and Canfield College, Ohio. Engaged on location and construction of Great Northern Railway, 1889-1893; assistant engineer with the Cleveland Frog & Crossing Co., and the Osborn Engineering Co., 1894-1902; locating engineer on West Virginia & Kentucky Railroad and other work, 1903-1905; engineer on Key West extension of Florida East Coast Railway, 1906; engineer in the United States Reclamation Service since 1906. He has made investigations and surveys on Elephant Butte Dam; construction engineer Mesilla and Percha Dams, Garfield Flume, Hatch Siphon, and important canals on the Rio Grande project; in charge of important secondary investigation; construction engineer Salmon Lake Dam, Okanogan project; and preliminary work in 1924 on the Kittitas division of the Yakima project. He is at present supervising the construction of the Stony Gorge Dam, Orland project. This dam is the buttressed type with a reinforced-concrete slab approximately 800 feet long and 120 feet in height above the stream bed. The estimated cost, exclusive of the right of way, is \$815,000. The Ambursen Dam Co. of New York City has the contract for this job. Member American Society of Civil Engineers.

Sinclair Ollason Harper, general superintendent of construction, Bureau of Reclamation, Denver, Colo.; civil and irrigation engineer; B. S. in C. E., University of California, 1907; rodman and instrumentman, Western Pacific Railway Co., California, 1905-6; transit man, Pacific Improvement Co., Monterey, Calif., two months; engineer in charge designs and estimates for sewerage system, Montrose, Colo., three months; junior engineer United States Reclamation Service, Uncompahgre project, Colorado, 3 months, 1907; assistant engineer, Grand Valley project, Colorado; in charge topographic and location surveys, preparation of plans and estimates, and construction of important features of project, 1908-1917; project manager Grand Valley project, Colorado, in charge construction and operation of entire project, 1917-1925; general superintendent of construction, June 11, 1925, to date, and during the absence of chief engineer is in charge of Denver office as acting chief engineer, Bureau of Reclamation, Denver, Colo. Has written various articles for engineering periodicals. Member American Society of Civil Engineers.

Frank Arthur Banks, superintendent Owyhee project, Bureau of Reclamation, Nyssa, Oreg.; civil engineer; graduate University of Maine, 1906. Since 1906 continuously engaged with United States Reclamation Service; assistant engineer, first as field engineer, later as district designing engineer, 1906-1913; engineer Jackson Lake Dam, 1913-1916; 1916-1923 engineer United States Reclamation Service on preliminary surveys and investigations; also in charge operation and maintenance of Jackson Lake Reservoir (fourth largest in United States and fifth in world) and the delivery of stored water therefrom; made preliminary plans for Arrowrock Dam, as well as complete plans and construction for Jackson Lake Dam; construction engineer American Falls Dam 1923-1927. Since June 1, 1927, superintendent Owyhee project, Oregon. Associate member American Society Civil Engineers, American Association of Engineers, National Geographic Society.

Mr. SPROUL of Kansas. Will the gentleman yield for a question?

Mr. SMITH. Certainly.

Mr. SPROUL of Kansas. Does your bill provide for the issuing of bonds for repayment of the cost of the project?

Mr. SMITH. That provision was in the bill of the last Congress but it is not in this bill because it is assumed that the general fund will be ample to meet the annual appropriations. The construction of this project would extend over a period of about eight years, so that it would not draw up on the appropriations at the rate of probably more than \$12,000,000 or \$15,000,000 a year. The Secretary of the Treasury has authority under general law to issue bonds in case of an emergency, but that is not specially provided for in the bill.

Mr. SPROUL of Kansas. What rate of interest would the Government get for its money?

Mr. SMITH. It would get 4 per cent.

Mr. SPROUL of Kansas. And in addition to that it would receive back the principal cost of the project within 25 to 40 years?

Mr. SMITH. Yes; and the Secretary can not spend any money until he has contracts which will insure the return of the money within 50 years at 4 per cent.

Mr. VINSON of Kentucky. Will the gentleman yield there? Mr. SMITH. Yes.

Mr. VINSON of Kentucky. What are the estimated receipts?

Mr. SMITH. They have not been figured out year by year.

Mr. VINSON of Kentucky. If they have not been figured out how can the gentleman say that the cost of the improvement will be paid in 25 years or 40 years or 50 years?

Mr. SMITH. They are tentatively estimated and the Secretary, as provided by this bill, will have to secure all these data before he can spend any of the appropriation.

Mr. VINSON of Kentucky. But if you have not had the figures submitted in the hearings how can you say that the cost of the improvement will be paid in 25 years?

Mr. SMITH. I said within 50 years and possibly within 25 years.

Mr. VINSON of Kentucky. I have been told that has been figured out. I would like to have that information, because I think it would have a direct bearing upon the matter.

Mr. SWING. May I say to the gentleman that I will be pleased to insert that information in the Record.

Mr. SMITH. I think that information has not been collected by the Government but by the various cities. They have indicated the amount of water they will need and the amount of power they will need and have submitted their proposition.

Mr. MOORE of Virginia. What I understand is this. The gentleman says the execution of the project is conditioned upon the Secretary in advance making contracts which will insure repayment to the Government within a maximum period of 50 years.

Mr. SMITH. Yes.

Mr. MICHENER. How long will it take to complete the project?

Mr. SMITH. It is assumed that it will take from five to eight years.

Mr. MICHENER. If we pass the bill now the flood-control feature may not be operative to protect the Imperial Valley for a period of five or eight years.

Mr. SMITH. The flood-control feature will be completed prior to that time.

Mr. MICHENER. When will it be completed to such an extent that it will afford flood protection?

Mr. SMITH. I should say in four or five years.

Mr. MICHENER. Assuming there is no litigation involved, what is the gentleman's judgment as to whether there will be litigation provided Arizona does not comply with the compact?

Mr. SMITH. I assume that Arizona will appeal to the court, but I think it is safe to say that the courts would expedite the consideration of the action.

Mr. MICHENER. Is it not the gentleman's theory that if legislation is enacted Arizona will come in?

Mr. SMITH. We expect her to come in.

Mr. MICHENER. If Arizona does not come in, it will undoubtedly be years before any work can be done?

Mr. SMITH. I do not think the determination of the matter in controversy will be long delayed.

Mr. DOUGLAS of Arizona. Will the gentleman yield?

Mr. SMITH. Yes.

Mr. DOUGLAS of Arizona. The gentleman admits the probability of litigation, and I can assure the gentleman that the minute this bill becomes a law Arizona will bring suit to enjoin the Government. The gentleman will recollect the time it took to decide the Colorado-Wyoming case?

Mr. SMITH. There was not the emergency there that there is in this case and no such occasion for expediting the adjustment of the matter. [Applause.]

Mr. DOUGLAS of Arizona. Mr. Chairman, I make the point that no quorum is present.

The CHAIRMAN (Mr. ACKERMAN). The gentleman from Arizona makes the point of no quorum. The Chair will count. [After counting.] One hundred and two Members present, a quorum.

Mr. DOUGLAS of Arizona. Mr. Chairman, I yield one hour to the gentleman from Utah [Mr. LEATHERWOOD].

Mr. LEATHERWOOD. Mr. Chairman, for more than six years I have studied the problem connected with this legislation. I have attended all the hearings of the committee in the House with the exception of those held during the winter when I was ill. It would afford me great pleasure if I had the time to discuss the interesting questions connected with this bill but time forbids. The gentleman from Arizona [Mr. DOUGLAS] will discuss the economic and the engineering features connected with the bill in a way I could not hope to do, and my colleague from Utah [Mr. COLTON] will discuss the effect of this legislation on our State.

I have opposed this bill for years on its merits. I have endeavored to bring out the truth concerning it in the com-

mittee meetings. I have submitted two minority reports against it in which I have presented and analyzed the facts which seem to me to prove it to be a wholly unnecessary, unsound, and dangerous measure. I have opposed it because it is dishonest in its pretensions, being an attempt to thrust the Federal Government into the greatest hydroelectric power project in the world under the guise of a humanitarian measure for flood control. I have opposed it because it is entirely unsound in its economic aspects and will mean the loss to the Federal taxpayer of every dollar expended upon it. I have opposed it because it means the surrender to a Federal bureaucracy of control over the most vital economic resource of the States in the Colorado River Basin. I have opposed it because it is based upon an engineering scheme so absurd, so dangerous, so badly conceived that it can only be called preposterous. I have opposed it because it is wholly unnecessary to take these risks, to change the policy of the Federal Government, to surrender the rights of the States, to make this foolish and unwarranted expenditure in order to accomplish the benefits which it is claimed are sought hereunder.

In short, I have endeavored to confine my discussion and opposition to this measure to the facts, to stay away from personal attacks, and to have proponents meet me on the same grounds. Other opponents have made the same endeavor. The minority reports of Congressmen HAYDEN and WHITTINGTON in the last session of Congress and of Congressman DOUGLAS in the present session have been confined to a discussion of facts. The same has been true of the opponents in the Senate of the United States.

The proponents of the measure have, however, not chosen to meet the issue on its merits. Whether from necessity or otherwise, proponents have failed to seriously discuss the objections to their bill. Perhaps this is because they are aware that they are beaten on the facts; that they can not show the necessity for their measure or the truth of the statements which they make in support of it. However that may be, and whatever the reason, the fact remains that this bill is not supported by facts but by the most astounding misstatements of fact—misstatements challenged time and again, never substantiated by proof, but nevertheless constantly repeated.

Instead of meeting opponents with argument on the merits, with facts in proof of their contentions, the constantly increasing tendency of proponents has been to attack the character of opponents and by innuendo, by vituperation, by insults to make it appear that opponents are actuated by unworthy motives, by ulterior influences which cast reflection upon their integrity and honor. This kind of attack has not been confined to Members of Congress who oppose this bill. It has gone on for years before the committees considering the bill. Reputable business men, engineers of the highest standing who have dared to offer testimony against the feasibility and soundness of this measure have been subjected to vicious cross-examination which delved into their motives and questioned their honesty.

Now, the case for this measure has not been presented before the committees of Congress nor on the floor of either House. Proponents have had as their chief forum of discussion of their side of the case a string of newspapers owned by William Randolph Hearst, published and circulated from one end of the country to the other. It is in this section of the press that the kind of attack of which I have spoken has been chiefly carried on. The Hearst press, in other words, has been constituted an extralegislative body on behalf of this measure.

In view of this situation and in view of the dominant part which this press has taken in the promotion of this scheme, in view of the obvious selection by proponents of those organs of publicity as their leaders in this fight, and in view of the challenge which these papers are to-day making to the Congress of the United States with reference to this legislation, I find it impossible to longer ignore the issue which is thus presented.

I had hoped to avoid the necessity of discussing this issue, but the Hearst press would not have it so. Within the last few days I have been made the subject of one of their vicious, cowardly attacks masquerading as a news item. In January and February of this year two gentlemen who have interested themselves in this legislation, one representing the State of New Mexico and the other the city of Denver, Colo., Mr. Francis C. Wilson and Mr. L. Ward Bannister, were circulating amongst the Members of Congress a new draft of a bill for this project which they had drawn. They discussed their draft with me and gave me a copy of it. Although I was opposed to their draft because it still authorized this project, I did take the trouble to draw certain amendments to it which, to my mind, made it less objectionable. I understand they were also discussing their draft with Mr. Stephen B. Davis, who, I understand, is director of an organization of some of

the public-utility companies of the country. Whether they presented my amendments to this gentleman or some one else presented them to him I do not know. I only know that I did not see Mr. Davis, talk to him, or present him with those amendments. However, it was perfectly proper for him to have them. There was no secret about them.

Now, in the Federal Trade Commission investigation of the power industry which is now in progress, a letter was presented in evidence written by Mr. Davis to another member of his organization with which he apparently sent a copy of the so-called Bannister-Wilson draft of a substitute for this measure and with that draft a copy of my suggested amendments, referring to them in his letter as amendments "representing Mr. LEATHERWOOD's ideas." That is the entire story so far as I know it.

Now, what does the Hearst press do with this story? They printed the letter, which was perfectly proper, but in addition to that they ran in their so-called news story which accompanied it the suggestion by the plainest innuendo that I had been conniving with the power companies in drawing a substitute bill and amendments to this measure. Not content with that, they also printed an interview with the author of this bill, in which the gentleman expressed astonishment that the Power Trust was so well acquainted with my ideas. Further than that, as a part of the same story, they direct attention to the fact that I have in the past offered amendments which they falsely state are designed to turn this power development over to private power companies.

This is only one instance of the kind of attack to which Members who dare oppose this measure are subjected. Other Members of the House have been subjected to the same thing. And for what purpose? Why, simply and solely for the reason that Mr. William Randolph Hearst chooses to use his kind of weapon to force this bill through Congress. In those tactics there is no discussion of merit, no attempt to present facts, but, on the contrary, an attempt to bring under suspicion the character, honesty, and integrity of opponents, and thus through prejudice, and prejudice alone, to arouse support for this bill which can be put over in no other way.

Mr. Hearst has issued the challenge. He has begun the attack. He has made the issue. And since Hearst and the Hearst press are the unofficial but most powerful representatives of proponents, I am forced to accept the issue as made. By this unwarranted, untruthful, and vicious attack on me Mr. Hearst has invited and challenged me to tell the truth and the whole truth concerning this measure and the forces which are behind it.

I could, in fact, no longer withhold the truth concerning this measure without connivance at the fraud and conspiracy in which it is enshrouded. I propose to show that it is one of the most shameful pieces of political trickery ever seriously considered by the Congress; that there is no sound argument for the bill; and that it would have no chance for passage but for the fear of Members of Congress of the most unscrupulous, dangerous, and destructive influence in American life to-day—the Hearst press.

Gentlemen of the House, the yellow press, the most disgraceful press in any country in the world to-day, owned and published by a man who stops at nothing to carry his point, is the only substantial support which this bill has in the United States to-day. Through that press have been spread the misinformation and threats concerning this measure which have aroused such support as it has, and it is upon that kind of support and upon those tactics rather than on the merits that it is hoped to force this bill through Congress.

The issue on the facts has been evaded. I accept the issue tendered, and I define that issue for anyone who may have pledged his vote and conscience for this bill: The first, the main, the primary issue on this bill is whether William Randolph Hearst and his string of yellow newspapers, which sling their filth and debauch the mind of our people across the entire country, shall control the Congress of the United States and by intimidation and threats, by false statements, and propaganda disguised as news make possible this infamous raid upon the taxpayers of the United States called the Boulder Dam bill. Your vote on this measure, my fellow Members, will therefore, first and foremost, answer this question: Do you belong to Hearst and the things he stands for, or do you belong in the ranks of those who arrived at an independent judgment on the merits of legislation?

You know, each and all of you know, that the things I have said of Hearst and his press are true; that they are admitted everywhere in private conversation to be true. And you know and I know that the reason he is tolerated, the reason for his malignant influence, is fear, fear of his political power, fear that he is dangerous to a man's success, fear that he will ruin the character and reputation of any man he sets out to "get."

Yet, fear him as you will, the man is not all powerful. The leading Democratic candidate for President demonstrated that when he accepted the challenge of Mr. Hearst in New York State some years ago and "licked him to a frazzle." I commend the courage, the audacity, of Al Smith to some of the members of his own party in the Congress of the United States who, either through fear or through a desire to curry the favor of Mr. Hearst, are supporting this measure and issuing statements in Mr. Hearst's papers in support of it.

The story of the interest of Mr. Hearst in Boulder Dam is so interlocked with the whole sorry, sordid story of the scandal connected with the project that the whole must be told in order to present the picture in its proper perspective.

Some of Hearst's biggest newspapers are in California—two of them are published in Los Angeles. For the last 18 years there has existed in Los Angeles a bureau of power and light. As is the rule with all publicly owned bureaus of this character, it soon became a political factor, and it was managed by politicians for their political benefit. The bureau got its lease of life with the building of the Los Angeles aqueduct, and after years of political bickering and maneuvering this bureau became firmly entrenched in the manufacture and distribution of electric power and light in the year 1922. At that time and since the only electrical energy this bureau has had to distribute was that generated on the line of the water aqueduct. The bureau has been buying most of its power from private companies and then distributing it. But with the great growth of Los Angeles during its big boom years the political power of this bureau, with its hundreds of employees, became the greatest single factor in Los Angeles local politics and a very considerable factor in state-wide politics. Naturally, those managing the bureau wanted more electric power as well as more political power, because the more business under their control the more employees—the bigger the plaything the more powerful the group which controlled it.

Now, Hearst and his newspapers tied in with this political group in Los Angeles as they had in San Francisco. The Hearst papers have, in effect, been the house organ of the political bureaus engaged in municipal-ownership enterprises in these two large cities of California. The Hearst papers were their mouthpiece, and the more the political power of the group gained the better it was for the Hearst papers in their fight for a place in that kind of sun which shines on such despicable organs of misinformation.

Hearst likes to win in political contests. True, he often waits until he finds out who the winner is going to be before he commits himself, but he likes to be allied with local groups having large political power. This gives him more power; it increases the circulation of his papers, and with success in this line comes still greater influence on public affairs.

In the year 1922 with the purchase by the bureau of power and light of the principal distributing system in Los Angeles, the problem of acquiring more power to distribute became acute. At this time the Reclamation Service was about to investigate Boulder Dam. It was a power dam pure and simple. There was no other excuse for the proposal to build it.

Now we come to the indisputable, the inescapable evidence, and I challenge anyone to dispute it, to disprove it.

On February 16, 1922, the Board of Public Service Commissioners of the City of Los Angeles hired the Bureau of Reclamation of the United States to formulate and produce a power project on the Colorado River. They appropriated out of their power revenue fund \$75,000 as an initial investment in the project and paid this sum out to the Reclamation Service. Under date of February 16, 1922, a resolution appears in the minutes of this board of public-service commissioners which recites that—

Whereas the city of Los Angeles has made application for permit to develop the Boulder Canyon reservoir on the Colorado River with a view of obtaining from that source sufficient power for the future needs of Los Angeles; and

Whereas the application for the permit requires that the city provide or cause to be provided data as to physical condition in, along, and in the vicinity of Boulder Canyon, in order to determine the feasibility of the project and where the dam should be located, the type, construction, and height thereof; and

Whereas it is practicable to obtain such information through the United States Reclamation Service, which, if provided with the necessary funds, proposes to complete investigations disclosing the facts required, and the Reclamation Service estimates that the amount required from the city for said purpose will be \$75,000, to be paid in installments as work progresses; "and it appearing to be to the best interests of the city and this board, in fulfilling the public duty to provide an ample power supply for the inhabitants of Los Angeles, that this board should undertake to advance said amount for said purposes": Therefore be it

Resolved, That this board, out of power revenue, undertake to advance and pay to the United States Reclamation Service the sum of \$75,000 to carry on the work of said Reclamation service in investigating the site of the proposed dam at Boulder Canyon on the Colorado River for the purposes aforesaid.

What does this resolution mean? What does it say? It says that whereas the power bureau of Los Angeles wants a greater power supply and wants to obtain it from the Colorado River, and whereas the Reclamation Service can be hired to make the preliminary plans for this power project, we hereby appropriate out of the power revenue fund \$75,000 with which to pay the Reclamation Service for producing a power project for the city of Los Angeles.

Note that not one word is said about water or about a water supply, or about the need of a supply of power to pump water; not one word is said about flood control or irrigation. The Board of Public Service Commissioners of Los Angeles were interested only in a power supply—a supply of power to be sold and distributed in the city of Los Angeles, and not a power supply to be used for pumping water from the Colorado River.

It is obvious also that the board of public service commissioners were fully aware that the Reclamation Service would be a most helpful agency in the matter of this power project. A power project planned and initiated by the Reclamation Service held forth promise of Federal aid in its development. The Reclamation Service might hold the key to the United States Treasury. The Reclamation Service was paid eventually \$140,000 by Los Angeles and affiliated agencies for the investigation of this Boulder Dam power project, and the Reclamation Service made good on its contract. They were hired to do just what they did: To produce not a flood control, not an irrigation dam but a power dam, and they produced the plans for that dam which is the one proposed to be authorized in the Boulder Dam bill.

Keeping in mind, then, that the Reclamation Service was hired in 1922 by the power bureau of Los Angeles to produce a power project at Boulder Canyon, note that two years later, February, 1924, the Weymouth report for the Boulder Dam power project was submitted to Congress.

The proposal for Boulder Dam was, of course, submitted as a plan of the Reclamation Service. But it was in reality a plan of the bureau of power and light of Los Angeles because it had been produced at their behest and with their money.

This resolution and these payments of \$140,000 to the Bureau of Reclamation explain many things: They explain why a power project was advocated by the Reclamation Service instead of a flood-control project. Here also is the explanation of the fact that this plan for Boulder Dam is a plan approved only by the engineers of the Reclamation Service. The Federal Power Commission and Geological Survey engineers would not approve it; on the contrary they disapproved it. The Secretary of the Interior did not approve it; on the contrary he warned Congress that it should be careful to investigate this proposal in all its details and to compare the needs involved with the plan proposed.

Finally, on March 24, 1924, Secretaries Weeks, Work, and Wallace, as members of the Federal Power Commission, wrote a letter with reference to this Boulder Dam proposal to Chairman SMITH of the House Irrigation Committee. In that letter these three Cabinet officers condemned and rejected the Boulder Dam proposal. They pointed out that it was not an irrigation or flood-control project but a power project, which would involve an expenditure of \$200,000,000; that the project could be justified on no other ground than as a power project to be undertaken and developed by the Federal Government; that it was wholly unnecessary for the Federal Government to enter on such an undertaking in order to achieve the objects in which it was interested; that even as to power development this dam was uneconomic and unwise and would militate against the future development of the Colorado River in the best way; that the adoption by the Congress of any such proposal would be an entire departure from former national policy with respect to business enterprise and power development, involving the gravest consequences to the established principles of the Federal Government in dealing with such problems. Finally they pointed out that the proposal should not be considered before there was a compact between the seven States of the Colorado River Basin and a treaty with Mexico. With reference to the Mexican situation they pointed out that the construction of any such huge storage reservoir and its use for power purposes would mean the creation of adverse rights in Mexican landowners contrary to the interests of citizens of the United States and dangerous to the future development of the Southwest. In short, these three Cabinet officers in their letter of March 24, 1924, written one month after the Weymouth report was sub-

mitted to Congress, raised the objections to its fundamental soundness which can not be answered, have never been answered, and will not be answered.

That letter should have ended the matter. Its facts were unanswerable. It was apparent that the project was hopelessly unsound and dangerous from every standpoint. But again Mr. Hearst enters the picture, and we have the same old proposal with us to-day—just the same dangerous, unsound, dishonest, fraudulent scheme, but in the four years since it was exposed by the three Cabinet officers in 1924 Mr. Hearst has been at work, and with the tools of propaganda, misinformation, deliberate misstatements of facts, trickery, deceit, intimidation, and the like which he employs under the guise of publishing newspapers, Mr. Hearst has succeeded in getting the unsoundness of this bill so covered up with false issues that it is rumored many Members of Congress are to-day pledged to vote for it.

With the exposure of their project by these officials it was of course apparent to the Los Angeles politicians controlling the bureau of power and light and their ally, Mr. Hearst, that if the Congress of the United States was to be induced to expend the funds of the national taxpayer in producing a power supply for Los Angeles the scheme would have to be put over by trickery and misrepresentation. It was hopeless to proceed by a direct appeal for a local power project to be financed by the United States.

A new plan of attack was then laid. The plan was that all talk of Boulder Dam as a power development should be quieted. Power must be made to appear as a by-product. A by-product of what? Why, a by-product, of course, of an expenditure for a solution of a national problem of flood control. The thing that had to be played up if the Congress was to be interested was flood control for Imperial Valley. The Hearst papers were to begin a campaign to stamp the Boulder Dam project in the public mind throughout the United States as a great flood-control and irrigation project. That campaign was begun immediately, and it has run with increasing intensity during the past four years.

Something else was also necessary. The entire population of southern California had to be aroused to a fervor of enthusiasm for the Boulder Dam project. California is a political power. If the populace in southern California could be aroused, then through the agency of entertaining and persuading Members of Congress and their other hundreds of thousand visitors annually of the great merits of the Boulder Dam project an air of authority for the misstatements with reference to the project could be given which could not be supplied by the Hearst press.

The populace of southern California could not be aroused by a plea for a huge power supply for the Los Angeles Bureau of Power and Light. But the populace could be aroused over another thing—and that was a water supply. The thing to do, obviously, therefore, was to connect Boulder Dam with a water supply.

The next thing we find, therefore, is that a shortage of water is discovered in southern California. By whom was the discovery made? Why, by the Board of Public Service Commissioners of Los Angeles and by the Hearst papers in Los Angeles. The cry went out, "We are in danger of a water shortage. Los Angeles and southern California must soon stop their growth unless we get more water. We can only get it from the Colorado River. We can only get it from the Colorado River by the construction by the Federal Government of a high dam in Boulder Canyon." The campaign to mislead the people of southern California was then well under way on a basis which would appeal.

At this point I want to refer to another resolution of the department of public service of the city of Los Angeles passed on May 14, 1923. By that resolution the board of public service commissioners urged and recommended to the city council of Los Angeles the submission to the voters of the city a bond issue of \$35,000,000—

for the acquisition, construction, and completion by the city of Los Angeles * * * of works for supplying—

The city—

with electric energy, * * * including works for the development of electric energy from the water of the Colorado River at or in the vicinity of Boulder Canyon.

Coincidentally with the passage of this resolution the board of public service commissioners wrote to the city council of Los Angeles a letter dated May 14, 1923, with reference to this bond issue, and in this letter the board said:

Through its aqueduct system the city is provided with a water supply sufficient for 2,500,000 people. The city's available power sup-

ply should be equal to its water supply. This would call for the ultimate development of 1,000,000 horsepower of electric energy.

If Los Angeles is to continue to develop as a great industrial center, it is vitally necessary that the city be enabled, through provision of a power supply sufficient for its future needs, to maintain its present low electric rates, which have in a large measure made possible the city's amazing industrial growth.

The bond issue failed of approval. Los Angeles voters could not be deluded to the extent required simply on the plea for more power. Congress had to be appealed to. But the outstanding fact here is that on May 14, 1923, the city of Los Angeles was not interested in an additional water supply. They had a sufficient supply for 2,500,000 people. They have to-day, in 1928, not to exceed one-half that population. But what the political gang in control wanted was a power supply for their municipal bureau, and they wanted it from Boulder Canyon Dam on the Colorado River, because the United States would then finance it.

Could any proof be more convincing, more positive than this declaration of the very crowd who are to-day behind this bill, that the interest which they have in it is as a power project, and that the talk about a water scarcity in Los Angeles is a fraudulent representation to induce the people of southern California to assist in their scheme?

Take this statement they made in 1923 with reference to their plentiful water supply and compare it with the facts and we find they were telling the truth, at least as to their water supply. In 1924 the consumption of water in Los Angeles was 287 second-feet. The last year, 1927, the consumption was 295 second-feet. They have an available supply already developed totaling 539 second-feet, or, on the basis of their present rate of increased consumption, a supply that will last at least another 50 years, allowing even then for unexpected droughts and unexpected growth in population.

So the representation as to a water shortage or as to the necessity of going to the Colorado River for water is shown to be simply another absolute and positive misrepresentation of fact, put over on the people of southern California in order to carry out a power scheme. It is part and parcel of the same plan of misrepresentation which includes the story that Boulder Dam is a flood-control dam for the protection of Imperial Valley.

How are we going to characterize this sort of misrepresentation? It can not be excused on the ground of lack of knowledge. Those public officials, lobbyists, editors, who are chiefly responsible for misleading the public and the Congress, know the facts. They know full well exactly what they are after. They know full well the true purpose of this legislation. They know it is not to provide for flood control in the Imperial Valley; they know it is not to provide for additional irrigation in an area where there is already so much irrigation that the agricultural population are in distress; they know that it is not needed for domestic water for any city in California; they know that they will not take water from the Colorado River within 50 years. All of these facts they know because they are so plain, so indisputable, that they can not be refuted. They have not even seriously attempted to refute them.

Let us pause for a moment in order that we may hear from the people of Imperial Valley. Under date of February 5, 1927, the vegetable growers of Imperial Valley wrote me, in part, as follows:

The only people who would benefit from this legislation are the real-estate speculators. There is no sense in bringing more land into cultivation when 90 per cent of the farmers in the Imperial Valley can not now make a reasonable earning on their investment. Any new land brought into bearing can only be used for producing such products as we now produce on the land under cultivation and on which we are unable to make any money.

And there is still another of their basic representations which they must know is not true, and that is that this project can be paid for through the sale of electric power. They must know that this project can not be built for \$125,000,000 and probably not for twice that. They know that the Federal Government will lose every cent of capital it puts into this project and that the electric power will be sold, if sold at all, at a price which means a constantly increasing deficit. In other words, they know that if the Los Angeles bureau of power and light gets any of this power it will get it at the expense of Federal taxpayers.

In view of those facts and of that knowledge, I am forced to call this proposal exactly what it is—an attempt at a deliberate steal from the Treasury of the United States for the benefit of a political group in southern California, for the benefit of the real-estate speculator in southern California, for the benefit of those newspapers owned by William Randolph Hearst, who thus extend their influence and grip on the communities which they mislead and misinform and thus control.

I come now to the final chapter in this campaign of misrepresentation, in this sordid scheme to "put one over" on the Congress of the United States. This final chapter may be designated as the Power Trust chapter.

Mr. Hearst has long known and practiced that method of influencing the public mind by which a proposal or a candidate which he sponsors is made the victim of some plot or scheme by an unpopular individual or organization of individuals.

Having been partially successful in creating the false notion that Boulder Dam was needed for flood control of the Imperial Valley, for irrigation, and domestic water, the next thing to do was to find some insidious and powerful opposition to this project. Then by playing up the bad and dangerous character of the opposition, favor could be carried for the project by attacking the character of the opposition. Incidentally the mouths of legislators and others who knew the facts could be closed through fear that by telling the facts they would be linked with the evil opponents.

For this rôle in his plot Mr. Hearst chose a fictitious character called a power trust. The electric industry throughout the United States was known to be opposed to the project because it threatened the invasion of their field of industry by the Government with the largest hydroelectric power project in history. This was made to order for Mr. Hearst. Nothing could have better served his purpose than to have the power industry object to the proposal.

Early in this session of Congress the United States Senate passed a resolution which had as its original object the investigation of holding companies and methods of financing holding companies in the electric industry. Before it was passed there was tacked onto it a resolution which had been before the Senate on previous occasions for the investigation of the activities of the power industry in opposition to public ownership in their field and activities endeavoring to influence legislation.

This latter part of the investigating resolution was meat for Mr. Hearst. The investigation was sent to the Federal Trade Commission. Curiously enough, the investigation of these activities of the various power companies coincided with the discussion of the Boulder Dam bill in this Congress. Mr. Hearst detailed some of his highest-paid men to cover the investigation and its reporting. These men, with their stenographers, set up their office in the offices of the Federal Trade Commission. They are assisted by some of the lobbyists for Boulder Dam. As fast as they obtain letters, documents of any kind when they are introduced in evidence, they are examined by the Hearst men, turned over to their stenographers for copying, to their photographers for photographing, and, regardless of their content, when they appear in the Hearst press throughout the country they are by innuendo, by false statements, by absolute misinterpretations, made to appear to be sinister and wicked.

And how is the evidence treated? Why, it is treated as evidence of a power-trust opposition to Boulder Dam. The Power Trust, says Mr. Hearst and his employees, are endeavoring to drown 65,000 people in the Imperial Valley. The Power Trust is corrupting public officials, fomenting strife between the States, corrupting the school children and the colleges. I quote statements appearing in an editorial in the Washington Times May 18:

This lobby, it has been shown, was endowed with a slush fund of \$400,000. Beyond that was a dough bag with no bottom. It has corrupted public educators. It has sought to despoil the public-school system. It has flouted the authority of the National Government. It has kept tabs upon you as though you were a handful of mannikins. . . .

It has poisoned the information which the public receives through supposedly impartial newspapers.

That last touch, incidentally, is particularly good. Imagine it! William Randolph Hearst charges that some one else is poisoning the information which the public receives through the newspapers. William Randolph Hearst, who tried to foment a war between this country and Mexico within the last year by willfully publishing forged documents, the authenticity of which he did not even care to investigate. William Randolph Hearst, who has almost a monopoly in the United States on the job of poisoning the public mind, says that the Power Trust is encroaching on his personal territory.

Now, what have Mr. Hearst and the Federal Trade Commission discovered—what is the sum total of the marvelous revelations which are filling the columns of the Hearst papers to-day in an endeavor to help the cause of Boulder Dam? Why, they have discovered that the electric industry is opposed to the Government's entrance into the electric business. They have discovered that through various organizations within the electric industry, through channels of publicity, through public speakers, through such contacts as the various electric com-

panies can establish, they have opposed Government ownership. And in this connection they have opposed Boulder Dam. What is there here that is news? Is it news to the Congress of the United States that private industry generally, whether it be in the manufacturing business, the farming business, the automobile business, the moving-picture business, or any other business, including newspaper publishing, are opposed to Government ownership and use such means as are available to them to combat it?

Mark you, Mr. Hearst does not even attempt to show that the statements made by the representatives of the power industry are not true. That is not the point. The high crime they have committed, according to Mr. Hearst, is that they have dared to tell the truth about public ownership. They have dared to oppose it. They have dared to endeavor to protect their industry against the unfair competition of the Federal and State Governments. And by so doing they have opposed a thing Mr. Hearst wants. Poisoning the public mind, according to Mr. Hearst, therefore, is to attempt to combat the propaganda of Mr. Hearst—to attempt to meet misrepresentation and misinformation by letting the truth be known.

The existence of a power trust, of a combination which even resembles a trust in the electric industry, has not been shown, and thus far no attempt has been made to prove its existence. The report of the Federal Trade Commission made a year ago, after a lengthy investigation into the question of the existence of a power trust, in fact definitely found that there was no such thing in existence. But that is a small matter to Mr. Hearst. Facts do not bother Mr. Hearst when he needs a name.

To carry out his fight in behalf of the steal called Boulder Dam he must have a power trust, a terrible, sinister figure stalking throughout the land, trying to drown the people in Imperial Valley, poisoning the public mind, despoiling the public-school system, and so in his own inimitable way he creates one. Facts, I say, do not bother Mr. Hearst. Where they do not exist he creates a satisfactory substitute.

Now, if Mr. Hearst were really interested in getting news out of the Federal Trade Commission instead of using that investigation as a machine for creating his own myths, he might have found something of interest to the public in those hearings. Mr. DOUGLAS of Arizona appeared before the commission and gave written and indisputable evidence of the lobbying activities of the political groups behind Boulder Dam. He submitted the evidence showing tens of thousands of dollars spent in entertaining Congressmen, a hundred and forty thousand dollars given to the Reclamation Service to create this Boulder Dam project. He gave evidence which showed the existence of a real lobby, a direct-action lobby which expends its money upon Congressmen and does it avowedly for the purpose of influencing Congressmen to help the Los Angeles Power and Light Bureau get a power supply. Mr. DOUGLAS presented the resolutions of the board of public service commissioners appropriating thousands of dollars annually avowedly for the purpose of lobbying—and appropriating it from their power-revenue fund. Mr. DOUGLAS, I say, presented some evidence which did not need interpretation, crooked interpretation, to make it news. And what does Mr. Hearst and his newspapers say about that? Not one word; not a syllable; not a mention. That was not part of Mr. Hearst's program. That would not have assisted in foisting this crooked scheme called Boulder Dam upon the Congress of the United States.

I said in the beginning of this address that this bill is rotten to the core; that it is not supported by facts, but by astounding misstatements of fact. The facts have been presented time and again. I have presented them in two minority reports; Senator HAYDEN, Congressmen WHITTINGTON and DOUGLAS have presented them; Senator SMOOT has recently presented them in most able fashion in a two-day speech in the Senate of the United States. There has been no refutation; indeed, no attempt at refutation, of the facts.

The facts which have thus been brought out repeatedly and for which the indisputable evidence is available to all Members of Congress in printed minority reports and speeches are: That this is not a flood-control project but a project which delays and may prevent flood control; that it has not a chance of repaying to the Government its investment; that it is not needed for irrigation; that it is not needed for domestic water; that there is no economic demand for it from a power standpoint; that it is based on unsound engineering of the most questionable character; that it is opposed by the country's ablest engineers; that it threatens years of litigation and threatens the despoiling of the Colorado River. Those are some of the facts which are established. Proponents have been challenged to disprove them, to refute them, and they have evaded the issue.

If those are the facts—and anyone who has studied the proposition in even a hasty way, if it is approached with an impartial mind, will instantly recognize that they are the facts—why is this thing before us? It is before us for the reasons that I have herein pointed out. Arguments on facts have been met by vituperation and slander of opponents. To every factual statement, to every indisputable proposition, proponents have but one answer. And what is the answer? Simply and solely the answer furnished by Mr. Hearst: "Power Trust." Tell them this is not a flood-control proposition. They do not attempt to show it is. They simply answer "Power Trust."

Tell them it is unsound and will cost \$250,000,000 out of the Federal Treasury. They do not answer the argument or attempt to demonstrate how it can be built or paid for. They simply answer "Power Trust." Tell them that Los Angeles has a sufficient power supply at one of the cheapest rates in the United States, that it could not use the Colorado River water, and would not go after it if they could get it, and they answer "Power Trust."

What is there about this situation which prevents us from being frank? I have endeavored to present it, in a somewhat hasty fashion, it is true, but, nevertheless, to present in its broader outlines the true story of one of the most scandalous schemes with which the Congress of the United States has ever been confronted in its history. A small political group, small but powerful and with widespread influence, has concocted a scheme to raid the Treasury of the United States with a plan which is so bold, so audacious, so absurd that in its very weakness there is strength because it is difficult to believe that anything so lacking in merit would be seriously presented.

But the Hearst press has espoused the cause, and the Hearst press has given it such chance as it has of passage through this body. I have little fear that this bill will become a law at this session of Congress. I have no fear that Boulder Dam will ever be built if this law is passed. It is simply so much of an engineering fraud and physical impossibility that it is inconceivable it would ever be attempted. If attempted, it would not be built within 20 years, or at a cost to the taxpayers of less than \$250,000,000.

But I am most reluctant to see the House of Representatives of the United States misled. I am most reluctant to see this body stamped with the Hearst insignia.

Fifteen years ago William Randolph Hearst forced another scheme through Congress. At that time he passed, through the same methods he is now attempting, the Hetch Hetchy bill. He passed it under the plea that San Francisco needed water and would have to have it immediately to avoid famine and disaster. There were men in Congress then, as now, who knew the facts.

But Hearst put that one over. Fifteen years have passed, and every criticism of the Hetch Hetchy project made at the time has been proven to be true. The same misrepresentations were made as to the San Francisco need for water that are now told as to the need of Los Angeles. The facts developed during the 15 years have shown that they were untruths. San Francisco has not yet used Hetch Hetchy water and yet has no need for it. The cost of \$45,000,000 then estimated has been expanded to three times that estimate.

Within the last year William Randolph Hearst perpetrated another gross fraud upon the American people and the Congress of the United States by publishing in his newspapers the plainest and most malicious kind of forged documents in an attempt to embroil this country in a war with Mexico. He libeled Senators of the United States with his forgeries. He admitted that he had published these gross forgeries without any attempt at their authentication. He flaunted his boldness with an air of defiance before the Senate committee, which should have forever discredited him. At what point have we arrived when a man of the caliber of William Randolph Hearst can deliberately drag a man's name in the mire of his press on one day and the next day find the same man patting him on the back and fawning upon him for his support?

I said at the outset that I extended my sympathy to those Members of Congress, if any there are, who have pledged their vote to this bill without knowing the facts. I am sincere in that statement, because those who may be in that position are now confronted with the choice of repudiating their pledge or becoming the victims of a bunko game of the rankest sort. They are confronted with the choice of attempting to defend their vote for this raid upon the Treasury with the facts fully available to them. They are confronted with the necessity of voting against this bill on the ground that it is an impossible and dishonest scheme, as everyone will know who can read, or of voting for it and defending their vote on the ground that Mr. Hearst said the Power Trust was against it, and they were

therefore afraid of being branded as voting with this monster created out of the imagination of Mr. Hearst and his hirelings.

What other defense can be made if we do not live in California or Nevada? Of course, if you live in either of these two States you can say that at least we induced Congress to spend hundreds of millions of dollars in our territory. But we who represent other States have no excuse. We may say we wanted to protect the Imperial Valley from floods, and we will be met with the fact that we have afforded Imperial Valley no protection—we voted for an impossible engineering structure which can not be built in 15 years, can only be started after years of litigation between the States and the United States, and then in fact will never be built. We turned down an opportunity to afford prompt flood protection to Imperial Valley at a cost of from \$7,000,000 to \$15,000,000 and voted instead for an enormous power structure which, if ever attempted, will be a failure after the expenditure of many times \$15,000,000.

We may say we wanted to provide domestic water for Los Angeles and we will be met with the fact that Los Angeles does not need and will not take domestic water from the Colorado River, and if it ever does take it within 50 years, its taking is in no manner dependent on the construction of Boulder Dam.

We may say we wanted to get started on the development of the Colorado River and to get rid of the problem; and we will be met with the fact that the plan of development voted for mars the Colorado River forever, and forever prevents its wise, orderly, and economic development.

We may say we wanted to prevent further extension of irrigation in Mexico, but we will be met with the fact that the dam voted for will result in the extension of Mexican irrigation at the expense of the American taxpayer through the use of American water as could be done under no other plan. We will have provided for a dam which, if it is to be operated at all, will result in the loss of 5,000,000 acre-feet of water to Mexico at the expense of the States in the Colorado River Basin.

We may say that we wanted to provide for a plan of development which would be self-supporting and would not cost the taxpayers one cent, and we will be met with the fact that if we believe such a statement we have been deluded, because the facts now available, the undisputed facts, show that by no stretch of the imagination can one cent of the hundreds of millions to be expended be returned to the United States Treasury.

And finally, Members of the Congress, we will be reduced to the one argument now advanced in behalf of this bill. That we voted for it because we were told by Mr. Hearst that it was opposed by a Power Trust.

We can not escape the issue. The issue is whether William Randolph Hearst and his string of newspapers runs the Congress of the United States. Are we to determine our votes on legislation without regard to the facts, merely because Mr. Hearst threatens us with libelous defamation, with contemptible falsehoods about our alliance with a fictitious organization? Are we going to admit to the people of the United States that whenever Mr. Hearst wants to put over a raid upon the Treasury of the United States, we will be obliged to vote for it if he threatens us hard enough, without regard to the cost to the people we are here to represent?

The issue, gentlemen, I repeat, is whether a political gang in southern California in alliance with William Randolph Hearst can lobby, propagandize, and bluff a rotten measure through this Congress because we have not the courage, the patriotism, the loyalty to our oaths to stand up and be counted against them.

I would rather vote to present to southern California \$125,000,000 outright, build for them some power plants in an economic manner, pay for flood control on the Colorado River and save this great resource from despoliation, than I would to establish the principle that Hearst and the Hearst press run this country. The question is before us, and we can not escape it, because eventually the truth about this infamous scheme will be known and accepted. The truth here is too plain, too easy to ascertain, to be covered up even by the propaganda of the Hearst press. [Applause.]

With reference to the question of lobbying, I again repeat my views upon that question as found in my minority report:

A favorite means of currying favor for this bill has been the time-honored if not honorable one of representing that it is opposed and hindered by a sinister and wicked lobby, which lobby lures and corrupts unsuspecting, weak, and helpless Congressmen. Lobbying charges have, indeed, been such a common means of meeting opposition to the bill that this argument, if it can be called such, occupies

a foremost place in the proponents' list of reasons why the bill should pass. It seems desirable, therefore, to bring the subject of lobbying into the open, to analyze and frankly examine it, in order to determine what bearing improper and misleading influence has had or may have on the proper understanding of this measure.

The lobby in behalf of this bill is and for years has been one of the largest and most active lobbies in Washington. I doubt if there is a Congressman who has not been buttonholed either in the Halls of Congress or at some social gathering by a Boulder Dam lobbyist. All kinds of lobbying have been used—social lobbying, direct personal-contact lobbying, propaganda lobbying, etc. Special favors, in the nature of trips to California and gifts of grapefruit and other California fruits to Congressmen and their friends, have been judiciously and inoffensively distributed. An association known as the Boulder Dam Association has for years raised and spent large sums of money for lobbying activities and propaganda for their bill. A score of lobbyists who represent and are paid by the Boulder Dam Association, the Los Angeles Bureau of Power and Light, the Imperial Valley Irrigation District, the Los Angeles City Council, the State of California, the State of Nevada, the city of Las Vegas, Nev., other municipalities of southern California, etc., are so constantly with us when Congress is in session that they seem almost to be an institution. They have been with us year after year for six years or more, sometimes appearing before committees and at other times earning their money and spending their time in interviewing Congressmen, interviewing newspaper men, taking polls of the House and Senate, manufacturing and circulating propaganda, devising ways and means by which this or that Congressman can be controlled or influenced by the folks at home, setting up "back fires" on these Congressmen with the folks at home, and exercising the other well-known devices of the skilled lobbyist. Thousands of dollars annually have been spent by these organizations of California and from donations of the public corporations, such as the Imperial Valley Irrigation District and the Los Angeles Bureau of Power and Light, the chambers of commerce, etc. From one source alone, namely, from the county treasuries of southern California, a fund of \$50,000 is being or has been raised for lobbying in this single session of Congress. It is said that the county of Los Angeles alone is contributing \$25,000 to this fund. In addition to this fund large sums have been appropriated by the city council of Los Angeles and other cities and by the other organizations above named. It seems conservative, therefore, to estimate that the total sum spent for lobbying activities during this single session of Congress will be \$100,000 and that upward of half a million dollars have been spent for lobbying activities during the past several years.

The headquarters for this lobby have been in the public offices of its representatives in Congress. Last year a former officer of the American Farm Bureau Federation, who was the director of the activities of the lobbyists, set up his office in one of the rooms of the Senate Office Building, and there the California delegation in the House and their assistants, these lobbyists, were required to make their daily and weekly reports as to their progress in their attempts to win the support of individual Congressmen to this bill.

Nor has the work of this giant lobby been confined to Californians. The mayor of Chicago, with a special trainload of "Boulder Dam boosters," came to Washington last year at the height of the Boulder Dam debate in the United States Senate, in order that he might exert his powerful influence and intelligent leadership in behalf of this legislation. The publisher of a great string of newspapers personally came to Washington and called in some 20 of his employees and assistants from various sections of the country where his papers are published, in order that they might add their influence over Senators of the United States to the herculean efforts in behalf of this legislation. In the matter of propaganda, two great sections of the press have for years freely devoted their news and editorial columns to the dissemination of argument, fiction, and fact for the bill, and to slander and vituperation of its opponents.

During the past several years a large percentage of the Members of both the House and the Senate has been most hospitably entertained in California by the enterprising promoters of this project. This entertainment has not been confined to members of the committee considering the legislation, but has extended to members of other committees and to any other Members who were available for a trip to California. Any Government official, whether on official business or merely on a pleasure trip, is always assured not only of an enthusiastic reception in southern California, but incidentally of an opportunity to make his position with reference to the Boulder Dam publicly known, either at a public dinner in his honor or in the columns of the newspapers. Automobile trips to points of interest on the Colorado River and in the Imperial Valley are freely provided—always, of course, accompanied by one or more individuals able to point out the merits of the Boulder Dam project.

In view of the foregoing, which is only a brief summary of the lobbying activities in behalf of the bill, I have been awe-struck by the audacity of proponents who represent that the bill is being opposed by a lobby. It has seemed to me that on this subject their silence

would indeed be golden—that the discussion of "lobbying" should be extremely distasteful to them.

And what of this other powerful, sinister, and flamboyant lobby which is said to be engaged here in seducing us, in forcing weak-willed and susceptible Congressmen to vote against this measure contrary to their better judgment? The treacherous, lecherous, treasonable malefactor lurking behind every tree on the highway trod by this fair maiden called the Boulder Dam bill is said to be a "power-trust" lobby. One gathers from the press reports and speeches of proponents of this bill that these monsters are practically preventing the enactment of the Nation's business; that no Congressman is safe from their plots and malign influence either inside or outside of his office. We are told that the real reason for the failure of the experiment in Government ownership at Muscle Shoals is this lobby, and that if it is not watched the people will be deprived of this great gift of Boulder Dam. I doubt if there has ever been so much written and spoken and so little seen or heard of any being as of these "power-trust" lobbyists, unless it be of the hobgoblins and "spooks" used by bad nurses to frighten refractory children.

This bad lobby must indeed be a secret organization which works in mysterious ways its wonders to perform. Although many searches and inquiries have been made for it, it has not yet been exposed to our view. The committee considering this bill made a search for it, and all we could find were these other lobbyists working for the bill. The only evidence I have seen of this "power trust" lobby were some rather stupid telegrams sent to Members last year from managers and officials of power companies advising us that they were opposed to the Government-ownership features of the bill. If that puerile effort represents the best this "power trust" can do, and so far as I know it was their magnus opus, they are getting magnificent credit which is not their due. If Congressmen are overwhelmed by a telegram, what has happened to them as a result of the work of this other crowd of really skilled workers?

Is it not about time that some one possessed of more courage than political sense should rise and say frankly and clearly that most of this talk about the malign influence of lobbies is "guff," and very cheap "guff"? It is an insult to the intelligence of anyone who has the slightest knowledge of conditions in and around the halls of Congress. It is buncombe and claptrap resorted to by those who do not dare to rest their case on its merits and by those seeking alibis for failure to secure legislation promised to their constituents. When a bill is weak on its merits, when it is advisable to protect it from close scrutiny, when it is necessary to attempt intimidation of opponents rather than to meet their arguments fairly, then the charge of opposition by a powerful lobby representing the "interests" may always be expected.

Members of Congress know and the public knows that the promoters of this bill, and of every other bill, are constantly lobbying in behalf of their proposal. They are entitled to do so and they are expected to do so. Legislators are only representatives of the people, whose duty it is to receive and listen to the facts and arguments presented by the people and to pass upon the merits of legislation after having heard these facts and arguments. Whether wisely or not, no provision has been made to protect legislators against the presentation of these arguments or to hedge them about with the restrictions of the judge on the bench or the jury in the box. We receive some information and much misinformation through written communications, through the press, through printed propaganda, both direct and indirect, through personal interviews and through the ex parte statements of both proponents and opponents of legislation. The evidence which we consider is not confined to that presented upon the floor of Congress or in the committee rooms. If it were there would, fortunately or unfortunately, be much less legislation.

I opine that there is no one who is so poorly informed as not to know that organizations such as the United States Chamber of Commerce, the American Farm Bureau Federation, the Federated Council of Churches, the American Federation of Labor, the Anti-Saloon League, the Association Opposed to Prohibition, the American Railway Association, the American Manufacturers' Association, trade associations representing almost every large industry, and a thousand other organizations maintain offices and salaried employees here in Washington. For the most part these organizations work openly and frankly for the special interests they represent, and they often are able to and do furnish much useful and expert information which is helpful to the Congress. They maintain their offices in Washington to deal not only with the Government bureaus, but with the legislative branch of the Government. They circulate literature which they deem helpful to their interests and they endeavor to create and to circulate propaganda which will assist them in presenting their viewpoint. None of these organizations or their lobbyists represents the public as a whole, but they endeavor to advance or protect the interests of that section of the public whom they are paid to represent, and in doing so they use such legitimate methods as they deem effective. This condition is but a reflection of the fact that in a complex society such as exists in this country groups will organize because of mutual interest, and having created organizations for the purpose of promoting their interests,

maintain representatives at the seat of the National Government who endeavor to promote and protect the interests of these groups.

There is another kind of lobby and another sort of lobbyist which endeavors to influence legislation by intimidation and threats. Organizations are maintained in Washington whose principal function it is to produce and circulate scurrilous and defamatory articles concerning legislators who oppose those measures which the employees of these organizations are paid to promote. The editorial and news columns of many newspapers and other publications favoring or opposing particular measures are freely used to praise, to ridicule, to threaten, and to defame those legislators whose views either agree or disagree, as the case may be, with the legislation which the owners of these particular publications deem it to their interest to oppose or to promote. These organizations maintain spies and writers who endeavor to devise ways and means of directly and indirectly threatening and intimidating legislators. Those who make most promiscuous use of these vicious and corrupting methods of influencing legislation rarely ever do it openly and frankly in the name of the special interest they in fact are endeavoring to promote, but usually in the name of the public, of the "pecul"; in short, in the name of the very person from whom they are endeavoring to extract favor or plunder—the taxpayer. This class of lobbyist does not rely upon fair argument nor choose to allow the legislator to arrive at his own conclusion, but endeavors to bludgeon him into accepting the ready-made program of the interest they represent.

If we are to investigate and consider the general question of lobbying, while we are endeavoring to determine the proper method of developing the Colorado River, I recommend that we give due consideration to this latter group of lobbyists. I also suggest that we consider this bill on its merits and separate from the representations of lobbyists for or against it, and that when we come to consider lobbying, we likewise endeavor to separate it from the spouting of the Boulder Dam orators.

Mr. COX. Will the gentleman yield?

Mr. LEATHERWOOD. I prefer not to yield. I have appeared here at considerable inconvenience on account of my health. If I was feeling as I usually do I would be glad to take on in debate all comers and answer all questions. [Applause.]

Mr. SMITH. Mr. Chairman, I yield 15 minutes to the gentleman from New Mexico [Mr. MORROW].

Mr. MORROW. Mr. Chairman, ladies and gentlemen of the Congress, after listening to the gentleman from Utah who has just spoken it would appear, my fellow Members, that this is a controversy entirely between the United States Government and the city of Los Angeles, Calif. I want to say to you that in the Colorado River we have a great national asset that belongs to no portion of the United States but is a Government proposition. That river was not made for the gentleman's State of Utah; it was not made for the State of California; it was not made for any portion of the United States; but was a creation by the great Maker of the universe who planted there in the Rocky Mountains the watershed to provide water which would take care of that arid region when the needs of the Nation required it to be utilized.

I want to say to you that there are seven great arid States in that western country that have an interest in the waters of that river.

It is a wonderful asset if harnessed and utilized for the benefit of the people of the western part of the United States. This country was not created entirely by individual effort, or for an individual to utilize and monopolize for selfish purposes. It is said that we are trespassing upon the rights of individual States. The great bulk of that land out there is still public land. That river, with a watershed of 244,000 square miles, rises in the peaks of the Rocky Mountain regions, where the snows and rainfall are gathered into the waters of the Colorado River. That water is a common heritage for those seven arid States, to be utilized by them. It is said that there is no need of this at this time. With the population of the country increasing yearly, the time is coming when every acre of that arid land which can be utilized to raise a food crop for the people of the United States will be needed and will be utilized for that purpose.

What does this river do? As I say, it rises in the high peaks of the Rocky Mountains and flows a distance of 1,750 miles to the Gulf of California. Hydrographic engineering shows that the water flow per year is something like 17,000,000 acre-feet. Is it being utilized to-day? It is being utilized in southern California, in the Imperial Valley, where 400,000 acres of land are under cultivation, and in Mexico, where 230,000 acres have been put under cultivation practically since this controversy about water started, thus diverting from the seven States their future water supply in order that those lands in Mexico may be reclaimed by speculators. This is being done by speculators living in the State of California. Mexico is now claiming, by the

use made by the American speculator, a certain amount of water, so that they can utilize Mexican labor to grow the same crops in competition with the people of the United States. Why do we want these waters impounded? Why do we want these waters in a compact for the benefit of these seven arid States? The State of Arizona lies at the mouth of that stream. It is the only State that practically now holds out from the seven-State compact.

That State says that the water comes down by gravity and that they are bound to get a supply of water and that if they do not get everything they want by the terms of legislation, they will not join in the compact whereby the water can be apportioned equitably among all of the seven States. We want a compact in order that the seven arid States may have their equitable division of the water, to be used for the settlement and development of the various States. In my own State of New Mexico we have more than a million acres of land that can be reclaimed, in a climate where the conditions are favorable for the production of crops much better than in some other parts of the United States. We have a small population, it is true, but the future indications are that in this arid section of the United States we will have, by the protection of our water, in the course of time a large population. We have every mineral for utility that is to be found in any part of the United States. New Mexico has a greater coal area than nearly all of the eastern portion of the United States, including Pennsylvania and West Virginia, and to that area you could add three or four other States; all this fuel to be used in time. One-fourth of the entire coal deposits in the United States are included within three or four States in the West. We have iron ore in abundance.

We have power propositions that will mean immense power when developed. They tell you that this is a power proposition. No doubt it is one of the greatest power propositions in the United States, but it does not belong to any individual set of people, nor should it be controlled by any corporation unless protection is provided to the people who are going to use the power supplied in that region. The power should be used beneficially and a higher rate should not be charged than that which will make a fair return on the investment. Provision should be made in this bill so that the people of California and the other States will be protected. It may appear to you that this is a controversy between two States, the State of Arizona and the State of California. There are seven States out there that need the compact. They met in Santa Fe, N. Mex., in 1922 to form a compact whereby they divided the waters of that great stream, apportioning 8,500,000 acre-feet to the lower basin, composed of Arizona, California, and Nevada, and 7,500,000 acre-feet to the upper basin, Colorado, Wyoming, New Mexico, and Utah. That division was equitable, and if that compact had been stood by up to the present time we could have gone ahead with the Boulder Dam.

Only two factors can enter into the argument of this question. Is it a sound, economic proposition, can it be constructed there and be a permanent proposition from the geological formation, and will the Government of the United States get a return of the investment it puts into it? The present Government officials who have charge of the matter say that they have made an investigation through engineers who are competent and reliable, whose reputation is above reproach, and whose engineering ability has been utilized in other propositions. In order to impound the waters and protect the people of the Imperial Valley and preserve by compact the waters for the seven States, it is proposed that the Government shall spend \$125,000,000 by the enactment of this legislation and construct a great dam at Boulder Canyon or at Black Canyon at an expense of \$41,000,000, and there impound 26,000,000 acre-feet of water. All of this money is to be repaid to the Government of the United States within a period of 50 years at 4 per cent. If the proposition is sound economically, why should not the Government construct the dam?

The Government does not say that the power companies can not purchase from the Government electric power. It provides that the Secretary of the Interior shall sell the power at the switchboard. It does not direct that companies shall buy nor prohibit the companies from buying that power, but permits others as well to buy the power. The fact of the matter is that at the switchboard the Government should hold a protecting hand, or through a commission, which will for all time protect the citizens of the Pacific coast and the people of the States concerned which may utilize that power.

Mr. MOORE of Virginia. May I ask the gentleman a question?

Mr. MORROW. Yes.

Mr. MOORE of Virginia. Do I understand the gentleman to argue that the main reason and justification for the project is

found in the necessity for protecting life and property? Is that the fundamental ground for the project?

Mr. MORROW. That is one of the grounds. There are several grounds showing the necessity of it. One is a compact to protect that water. That water is going into Mexico, and is being accumulated and utilized in Mexico beyond the bounds of the United States, until to-day they have something like 250,000 acres of land under irrigation.

They are taking the water that my State needs. They are taking the water that the State of California needs. They are taking the water that the State of Wyoming needs, and that the State of Utah needs. That water is going beyond the United States.

That is one reason. Another reason is stated in the gentleman's question: The people in the Imperial Valley are at the mercy of that great river. It is true there may not be loss of life to any great extent should the Colorado River break its bounds and flow back into the Imperial Valley as it did in the year 1905, but it can destroy the property of those people and the destruction of property means frequently the destruction of life; it means the devastation of that which they have accumulated for 50 years. They have invested \$150,000,000. There are 65,000 people living there, and the water may break over in the future, as it has done in the past. The Colorado River, it is said, carries down more silt each year than was excavated in the entire construction of the Panama Canal. That silt has filled up the Gulf of California 144 miles from where it was at one time. The Imperial Valley that exists to-day from 50 to 250 feet below the river, has been cut off and dried up; it was once part of the Gulf of California.

It has been established by the opinion and testimony of reliable engineers who have examined the Colorado River that should storage dams not be built that the river will in a few years destroy the very communities that it is now watering.

The two important sites to be considered are the Boulder Canyon and Black Canyon sites. The building of a dam to the height of 550 feet at either site, where bedrock can be reached and foundations are known to be entirely suitable for a dam constructed to this height, will afford complete flood protection and secure river regulation, with sufficient capacity to take care of silt deposits, it is said, for a period of 300 years.

The building of a low dam would mean that in a short time the same would be filled up by silt deposits and would fail entirely as a storage reservoir from which a steady supply of storage water for needs of reclamation could be had. There would be no method with a low dam whereby the repayment of the cost of the building of the dam could be guaranteed, because there would be nothing to return payment for the investment; this return can be provided by the building of a high dam for the development of hydroelectric power to the extent of 600,000 to 800,000 of continuous horsepower of electricity. All of the horsepower, under the terms of section 4 of the pending bill, shall be disposed of before work shall be begun or any moneys expended upon or in connection with the works or structures provided for in the act. This would guarantee the return of the Government investment before anything could be done under the terms of the bill.

It is further provided, under "b," of section 4, that—
before any money is appropriated or any construction work done or contracted for, the Secretary of the Interior shall make provision for revenues, by contract or otherwise, in accordance with the provisions of this act, adequate, in his judgment, to insure payment of all expenses of operation and maintenance of said works incurred by the United States and the repayment, within 50 years from the date of the completion of the project, of all amounts advanced to the fund under subdivision (b) of section 2, together with interest thereon.

Apparently from the provisions inserted in the bill proper action and supervision will be taken. This is the opinion of Dr. Elwood Mead, Commissioner of Reclamation, who states:

In conformity with the safeguards in the bill, no Government department would dare to undertake such a work, involving a dam of considerably greater height than heretofore constructed, without investigation and approval by competent authority. If the high dam at Boulder or Black Canyon is authorized by Congress such dam will not be erected until after the fullest investigations have been made as to the sufficiency of the structure and also of the sufficiency of the geologic structure at the dam site.

Mr. Mead adds—

I am confident that Arthur P. Davis, F. E. Weymouth, and the engineers working under them in the Bureau of Reclamation have investigated fully and that the engineering data which they have collected is a safe basis for action by Congress. They have built the outstanding dams of the world.

The silt problem of the Colorado is a reason for building the high dam with large storage capacity. We know the river carries a large amount of silt. The aggregate amount of silt carried in suspension in the lower reaches of the river is about 100,000 acre-feet per year. To this there is to be added the silt which is entrained by the waters of the river along its bed.

In connection with the building of the high dam there should be built also a power dam whereby power could be developed and disposed of at the switchboard, and return made to the Government for moneys expended by the Government together with interest thereon at 4 per cent, within a period as provided in the bill of not more than 50 years.

The all-American canal should be constructed within the United States to protect the people of the Imperial Valley in their water supply for irrigation and domestic use, and to free them from the vassalage of another nation, Mexico, through which country the route of the waters of the Colorado River, that are required for irrigation and domestic supply in the Imperial Valley at the present time, is taken. This canal traverses 60 miles in Mexico before entering the United States.

By the terms of the concession permitting this water to be taken through Mexican territory into the United States the Mexican lands are pledged one-half of all water flowing through this canal. Applications are pending for the irrigation of 200,000 additional Mexican acres at this time. Each Mexican acre supplied with water means an acre taken from the development of the seven arid States.

The building of a high storage dam would store the water of the entire river for a period of one year and a half; after this is accomplished it would be easy to compel Mexico to make the proper treaty concerning the distribution of the water to which Mexico is entitled.

Secretary Hoover says that the building of the dam at Boulder Canyon would in his opinion store water and create power for practical utility equal in value to that of the average State. That this project is so vast and the cost so great that it becomes a national affair. It being an interstate matter it must necessarily be carried forward through legislation enacted by Congress and placed under control of the proper department of the Government.

Four Presidents have referred to the necessity for flood protection on the Colorado River. Theodore Roosevelt was the first President to address a message to Congress requesting the necessity for remedial legislation, in 1907. He referred to the flood of 1905 and showed the danger then of overflow into the valley and requested that something be done to permanently maintain a natural bed, stating that unless this was done that in time all land along the Colorado River would be deprived of the necessary supply of water for gravity canals. James A. Garfield was appointed by President Roosevelt as commissioner and was sent by the Secretary of the Interior to the Colorado Basin with three other commissioners, as a fact-finding commission. Their report was that the Colorado River should be dealt with as a national problem; that the entire watershed is a unit and the use of any particular place in the course of the river for development, irrigation, or power, should be constructed in connection with the entire river. That the development physically could not be limited by State or international lines. That the United States alone had the power to safeguard the interest and the right of all those who would be affected by such development. That the only political agency that could deal with and settle the international question arising with Mexico would be the United States Government.

In 1912 President Taft recommended to Congress an appropriation for flood protection on the Colorado River.

President Harding at the time of his death had prepared an address which he planned to deliver at San Diego, in which he referred to the impounding of the waters of the Colorado River as follows:

I should indeed be proud if during my administration I could participate in the inauguration of this great project (a dam and reservoir at Boulder Canyon) by affixing my signature to the proper legislation by Congress through which it might be launched.

On October 7, 1924, President Coolidge stated in a message to parties interested:

Flood control and the provision of an immense water storage seem to me to dominate all others and point logically to the Federal Government as the agency to undertake the construction of a great dam at Boulder Canyon or some other suitable locality. I should indeed look with great pride on the consummation of this, one of our great national improvements, during my administration.

In his message to Congress on December 7, 1926, President Coolidge asserted:

In previous messages I have referred to the national importance of the proper development of our water sources. The great project of extension on the Mississippi system, the protection and development of the lower Colorado River, are before Congress and I have previously commented upon them. I favor the necessary legislation to expedite these projects.

A report on the investigation by the engineers was submitted to Congress by the Secretary of the Interior in February, 1922. In this report the department explained the necessity for control of floods and the development of the Colorado River as a national problem and referred to the stream and its tributaries as being interstate and the stream as being a navigable river. That waters impounded could be utilized to irrigate public lands now desert in character; that the problem was one of such magnitude as to require national solution.

I desire to quote herein Owen D. Young in the matter of Government operation of water power propositions:

There is a class of water powers which * * * must be separately considered. * * * Where vast rivers either on international boundaries or within the United States require development for several purposes, such as navigation, irrigation, and flood control, as well as for power, there arises a new kind of question which is wholly unrelated to the old controversy of Government versus private ownership. The discussion of this question has been clouded by the old animosities. The private-ownership people feel that if the Government has anything to do with the development of power in these composite situations, it will be merely the starting point from which the advocates of public ownership will advance their operations. On the other hand, the public-ownership people feel that the privately owned companies which seek to throw dams in these great rivers, and incidentally perforce take over the effective navigation, irrigation, and flood control, are so intrenching themselves in purely public operations as not only to make all thought of public ownership impossible, but to create instruments of oppression rather than of service.

The great opposition to the carrying forward of this proposition comes not from the people who will be served with the water and with the power generated, but from the existence of the opposition of the Power Trust, which does not want this great project developed under Government supervision; if developed, that it be under their supervision and dictation. This is very apparent from the documents and evidence that have been brought out in the hearing exposed by the Federal Trade Commission investigation. It is clear that men occupying positions in some of the States to be benefited by this development are in the pay and control of the Power Trust. Sufficient evidence has certainly been presented to the American public and to Congress to show the opposition to the construction of the dam and the carrying forward of the Swing-Johnson bill. It is not my purpose to be personal or to mention any particular names of former State officials who are now directly in the employ of the Power Trust to prevent the passage of this legislation; they are now acting as lobbyists under the guise of State authority.

The State of Arizona feels that it alone can remain without the seven-State compact and protect her water rights for the future; if she feels she is in a better position to do so, because of her location; if she believes in a selfish way that by this means she will gain more in the years that go by, she should be left out of the compact, and the remaining States should seek a compact of the water rights for the future protection of the citizens of their respective Commonwealths.

Much of the opposition to the legislation is that it can not be accomplished economically. If this be true, then the Government in its reports, and through the information of those seeking and compiling data, must be grossly in error. Admitting that the Government is correct in its position, the only State that can and will absorb the power from the Government power proposition, and which will guarantee to repay the Government, is the State of California. Must we not then admit that the State of California makes a definite and binding agreement to take the power not otherwise disposed of at the switchboard, and agrees upon a fair and equitable division of the 8,500,000 acre-feet of water, with Arizona and Nevada receiving their share according to their needs and economic development. The bill should pass. The question of power should be under the control of the Government and disposed of at the switchboard at a figure that will insure within a definite period the repayment of the money advanced by the Government. [Applause.]

The CHAIRMAN. The time of the gentleman from New Mexico has expired.

Mr. SWING. Mr. Chairman, I yield 15 minutes to the gentleman from Nevada [Mr. ARENTZ].

The CHAIRMAN. The gentleman from Nevada is recognized for 15 minutes.

Mr. ARENTZ. Mr. Chairman, it is with some reluctance that I speak at all on this bill. I have fairly lived with it for eight years. It was back in 1919 that as a delegate to the League of the Southwest I was appointed by the Governor of Nevada to join with others in the consideration of the development of the Colorado River.

In the discussion of this matter by our friend, the gentleman from Utah [Mr. LEATHERWOOD], we heard about the Hearst papers, about the Los Angeles lobby, about everything else in the world but about the construction of this great work itself. And I want to say in the beginning that I have absolutely nothing to do with such things as Los Angeles may have in its mind in the way of the development of the Colorado River. I know nothing about what its ambition may be relative to the development of a city of 2,500,000 or 5,000,000. I know nothing about the difficulties on the river. I know nothing about the lobby they have or about the money they may have advanced to the Federal Government for investigations on the Colorado River. But I do know something about the contents of this bill. I do know something about what is contemplated in this bill. And, my friends, if it were not for the fact that Arizona failed to sign the seven-State compact, as it was directed to do by the Arizona-Colorado River Commission in Santa Fe in 1923, Utah would still be in this six-State compact. The Governor of Utah has never said a solitary word in opposition to this bill.

Mr. DOUGLAS of Arizona. Mr. Chairman, will the gentleman yield?

Mr. ARENTZ. I am not going to yield to the gentleman from Arizona. He can have all the time he wants after I get through. This is a controversial question, to be sure. If my statements are incorrect, he can correct them on the floor after I get through.

The Governor of Utah, at Denver, Colo., said he was going to do everything he could to bring about the signing of the compact by the State of Arizona. He said he would do all he could to adjust the differences and when Arizona came into the friendly family of States Utah would be among those present.

What are the differences? The only difference that existed in Denver, Colo., last year—that is, the year 1927—was the difference in the amount of water that Arizona said she was entitled to. As nearly as I can determine, they decided it was 450,000 acre-feet of water, and, as I understand it, Arizona, Nevada, and California within the last six months have reached several points where their differences, so far as water was concerned, were eliminated. But all at once some other points came up.

Mr. DOUGLAS of Arizona. Mr. Chairman, will the gentleman yield?

Mr. ARENTZ. No; I can not, with all due respect to the gentleman from Arizona.

Mr. DOUGLAS of Arizona. Just to state the facts as to what the agreement was.

Mr. ARENTZ. I can not yield. I say that every time California, Arizona, and Nevada reached an agreement—and I repeat it—every time they reached bordering on an agreement something else came up to disturb the equilibrium of the conference, and Arizona wanted something else. They say they do not want the dam at Boulder Canyon. Why? Because they want Glen Canyon, Bridge Canyon, or Marble Canyon dam sites selected. Why? Because both wings of the dam would then rest on Arizona soil, the dam would be strictly a power dam, the silt problem would be unsolved, the head gates so far upstream from the point of diversion that control would be impossible not alone because of the distance but because of intervening streams flowing into the Colorado below the dam, presenting a flood menace.

Now, as to the opposition of Arizona with reference to the construction of Boulder Canyon Dam at Boulder Canyon. If this great development is perfected and consummated at Boulder Canyon, one arm of the dam will rest on the soil of Nevada and one arm on the soil of Arizona. But, mark you, the money necessary for the construction of this dam will be advanced by the Federal Government at the rate of about \$9,000,000, \$10,000,000, or \$12,000,000 a year, and 4 per cent interest will be paid on this amount. Under what conditions will this be done? First, the Federal Government, through the Secretary of the Interior, must meet with municipalities, with counties, and with States, and then after that with individuals, to determine who want the contracts and will offer the best price for the power developed. If they agree to take 50,000, 75,000, 100,000, or 200,000 horsepower, what do they do? They enter into contracts with the Government relative to payments over a sufficient term of years to repay the Government, with 4 per cent interest, every penny expended in the construction of the

works enumerated in this bill. Such contracts must guarantee amortization payments with interest. The ability to pay must be unquestioned, and no work can be performed upon the dam or canal until the power developed and the water stored is contracted for at a price sufficient in amount to return all costs, with interest, over a period ranging from 25 to 50 years.

Now, as to the economics of the situation. The gentleman from Arizona is an expert in that line. He has many figures to offer showing that the "capital set-up" is wrong. I want to say to him that the first thing that enters his mind in any consideration of the Boulder Dam bill is the question of Government operation and that the dam should not be built at this particular place. Ask him where it should be located. He will say up in Arizona, 100 or 150 miles farther up on the Colorado River at Marble Canyon, Bridge Canyon, or Glen Canyon.

Mr. DOUGLAS of Arizona. Will the gentleman permit a statement of fact for the RECORD?

Mr. ARENTZ. No, if you please; the gentleman can have all the time he wants. If I make a misstatement, he can correct it in his own time. Every time you ask me a question, undoubtedly without meaning to, you are throwing me off my line of thought.

Mr. DOUGLAS of Arizona. No; I am trying to get a statement of fact in the RECORD.

Mr. ARENTZ. It seems to me, my friend, you are too much bound up in this thing and in your opposition to it, and you have been opposed to it ever since you cast your vote in the Arizona Legislature which prevented the signing of a compact; I understand you were the one who, by a single vote, prevented Arizona from going into the compact. Since that time you have done everything in your power to prevent action on this legislation, not because, forsooth, Hearst may be in favor of it, and not because Los Angeles has been in favor of it but simply because you are opposed to every feature of it; you want it your way or no way.

Now, my friends, as to the seven-State compact. The waters of this river flow through seven States, comprising an area of 244,000 square miles. The river is 1,750 miles long, heading away up in the mountains of Wyoming, in the Continental Divide in Colorado and in New Mexico, and flowing down into this one stream, forming the boundary of several States and flowing into Mexico. Two hundred thousand acres of land are already under cultivation in Mexico, and each year they try to put into cultivation tens of thousands of acres in addition to what they now have.

We know as well as we know anything in the world that when it comes to a settlement or agreement, a friendly agreement, with Mexico they will take every acre under cultivation and count that as a perfected water right, and it means that every acre under cultivation in Mexico will be taken away from the total acreage in the upper-basin States. I want to repeat, my friends, that if Arizona were in the compact to-day Utah would be in the compact, contrary to what our friend [Mr. LEATHERWOOD] says. The Governor of Utah has stated that time after time. The only other question in the governor's mind is that he believes some day oil will be found in the bed of the Colorado River in Utah, and he wants it stated definitely that Utah has a perfect right and title to the bed of that stream. Why should she not have the title to the bed of that stream? She certainly is entitled to it. Under all the laws that have ever been passed upon by the Supreme Court the bed of a navigable stream belongs to the State and Utah should have it. Utah is entitled to it; but the seven basin States own the water in this river—and he is interested in that, too—and with the compact four States in the upper basin would be entitled to 7,500,000 acre-feet, and three States in the lower basin would be entitled to 8,500,000 acre-feet of water. And how will they divide this water after they have it allocated. The four States in the upper basin will get together. Have they quarreled over what the division will be in the future? No. They have concluded they will get together in a friendly, quiet spirit, and they will allocate among the four States a division of that 7,500,000 acre-feet of water. And the three lower basin States, what have they done? They have gotten together day after day, day after day, in summer and winter, for years, trying to settle their differences.

There is very little difference of opinion as to what is an equitable division of water in the lower basin States. They have almost agreed and have almost settled on what the allocation should be, and as I understand from a recent letter from a gentleman in New Mexico who is on the New Mexico-Colorado River Commission, at the present time there is not over 150,000 acre-feet of difference between the States of Arizona, Colorado, and Nevada. Do you think that Arizona could carry on a 50-year lawsuit for 150,000 acre-feet of water? I think not and

so do you. Then, there must be something else in the mind of Arizona that we know nothing of that prevents an agreement.

As far as I am concerned, I would be perfectly willing to tell my governor to-morrow that if he can settle this difference, he should take a portion of the water that has been allocated to Nevada and give it to Arizona. [Applause.] But Arizona would not be satisfied, my friends, and just as soon as the water question is settled she wants something else. For the life of me, I do not know what that something else is unless it be death and interment of the Swing-Johnson bill.

In order to partly satisfy the gentleman from Arizona, the Arizona-Colorado River Commission, and the Governor of Arizona, I have offered an amendment, which will be offered as a committee amendment, allocating to Arizona 18½ per cent and allocating to Nevada 18½ per cent of any surplus that may exist in the fund after meeting the amortization cost yearly to repay the Government. I do not believe the Congress is willing that one solitary cent should be given to the States until the Government is paid the yearly payment due it, but if there is a surplus after paying the Federal Government the amount due each year, I think the States of Arizona and Nevada are entitled to it; but, my friends, I do not think the State of Arizona any more than the State of Nevada is entitled to say, "You shall not build this plant until we get what we want."

There are seven States in this family of States and the State of Arizona has no more right to come here and say that we must stop at this line and go no further than the State of Maine or the State of New York or any other State.

This bill contemplates holding for the people of the seven States an asset which in 50 years will be one of the greatest assets they possess.

The gentleman from Arizona possibly may question this and may say it is not in the bill—of course, it is not in the bill—but we are going to leave this entirely to the good faith of the American Congress 25, 40, or 50 years hence, that after the Federal Government has been fully repaid for every dollar that has been expended in the construction of this wonderful work, a work to adjust the water differences between the seven States, to increase navigation on the Colorado River, to prevent floods in the Imperial Valley, to supply water for the Government lands scattered from central Wyoming to the Mexican line, then the basin States shall receive from the profits accruing from this wonderful development a certain share, because it is an asset, it is a silver vein running through these States.

After all our mineral is gone, after all our mines have been depleted, this water resource will be the only thing remaining to a State that is 84 per cent at the present time in Federal ownership. [Applause.]

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

Mr. DOUGLAS of Arizona. Mr. Chairman, I yield myself four minutes.

The generosity of the gentleman from Nevada [Mr. ARENTZ] is comparable to the extravagance of his statement. I defy the gentleman from Nevada to find anything of record which I may have said by way of advocating a dam, both ends of which will rest within the boundaries of the State of Arizona.

The gentleman knows, and he knows as well as I know, that the only position I have taken with reference to the location of a dam on the Colorado is that it should have the support of competent engineers. If this be unreasonable I do not know what can be considered to be reasonable. The gentleman knows that in my substitute bill there is a provision for a board of engineers which shall locate and designate a site or sites at which structures shall be erected.

Mr. ARENTZ. Will the gentleman yield?

Mr. DOUGLAS of Arizona. I will not. If that be unreasonable, then I do not know what can be reasonable. Now I will yield.

Mr. ARENTZ. I just want to direct the gentleman's attention to several Government reports where they have delved into this matter month after month, year after year, and all that sort of thing.

Mr. DOUGLAS of Arizona. All by the same men and all employed by the Bureau of Reclamation or the Los Angeles Bureau of Power and Light.

Mr. ARENTZ. And better engineers do not exist than those men.

Mr. DOUGLAS of Arizona. And the gentleman can not find a report by any other department or any other bureau of the Government written by any engineer which approves the Boulder Canyon project. He can, however, find a provision in the appropriation act for the War Department of 1925 which excludes Army engineers from investigating the Colorado.

The only position which I, as the Congressman from Arizona, have taken in this Congress with reference to the location of a dam, is that the location shall be selected by an independent board of engineers, not by engineers employed by a bureau anxious to increase its power over the destinies of peoples, and not by engineers in the service of the Los Angeles Bureau of Power and Light.

Mr. JACOBSTEIN. Will the gentleman yield?

Mr. DOUGLAS of Arizona. I will be delighted to yield to the gentleman.

Mr. JACOBSTEIN. Will the gentleman state why it was this board of engineers was refused the right to investigate the location of the dam?

Mr. DOUGLAS of Arizona. It is my understanding, sir, although I do not know that there is anything of record, that California specially requested that the Army Corps of Engineers be excluded from investigating the Colorado River.

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

Mr. SMITH. Mr. Chairman, I yield 15 minutes to the gentleman from California [Mr. CRAIL].

Mr. CRAIL. Mr. Chairman and my colleagues, the Government has been studying and planning operations on the Colorado River for 40 years but little else has been done. The Government has many great obligations on the Colorado River.

The first duty is river regulation and flood control. That is vital. There is no question that the Government owes that duty, not only on the Colorado River but on every navigable river, and this House has recognized that duty always and more recently in the Mississippi flood control bill. Control of the Colorado against floods is vital to the people of the Imperial Valley, the Palos Verdes Valley, and the Coachella Valley in California. It is also of great interest to the people of the Yuma project in Arizona.

The Government also has the obligation of navigation on navigable streams under the interstate commerce provision of the Constitution. This obligation is well recognized. The right and duty of the Federal Government to take charge of navigable streams for the purposes of interstate commerce have been upheld by the Supreme Court of our land in numerous decisions going back from the present to early beginnings.

Then there is the duty of reclamation and irrigation in which our Congress has shown great interest and in which it has been liberal, even generous, in appropriations of millions of dollars, particularly for the benefit of the arid States of the West. Arizona has been the greatest beneficiary of this governmental duty.

Now, others are going to speak on these features of this legislation, men who know more about them than I do, and men who are better prepared to tell you about them than I am. But I do want to say this, that these duties of the Government on the Colorado River can be taken care of properly only by a high dam at Boulder Canyon. There is no other way that it can be properly done.

Not only that, if a high dam is built there the Government eventually will get back every dollar that it puts into this project with interest. It will do so in such a short time, compared with the length of time the dam will be in service, that it will seem almost as though a gracious Providence had made a gift of this great dam to the Government and its people.

Mr. LINTHICUM. Will the gentleman yield?

Mr. CRAIL. With pleasure, to the gentleman from Maryland.

Mr. LINTHICUM. Is the gentleman to be assured of a contract that will pay for the dam; and if so, in how long a time?

Mr. CRAIL. The bill provides that no money shall be spent, no operation shall be commenced, until the Secretary of the Interior has entered into valid, binding contracts with parties who are financially responsible, and whose agreements can be legally enforced, to the effect that the Government will be repaid every dollar that is spent on this project with interest. The bill fixes a maximum of time within which every dollar must be repaid.

Mr. SWING. The contract provides that repayment must be within 50 years.

Mr. CRAIL. Yes. I thank the gentleman from California. While the time limit is fixed at 50 years, it is expected that full repayment will be made in a period of 30 years.

Now, a good deal has been said about the interest of Los Angeles in this project, and intimations have been made on this floor by opponents of the bill that this is a Los Angeles enterprise, and as something to be put over on Congress.

There is nothing of that kind whatever. Los Angeles has done nothing in this matter to be ashamed of, and it has nothing to conceal or to apologize for.

Los Angeles, a city of 1,300,000 people is right there on what was a desert. Is it not marvelous that a city of that size should spring up on what was once a desert?

Water, which nature did not supply, was brought to the city by men. Courageous pioneers went back into the high Sierras, 250 miles, and harnessed a river and brought its waters over desert plains, across deep gorges, and through steep mountains to the city. Nearly everything that lives and grows in Los Angeles depends for its life upon water supplied by the hand of man. The same applies to southern California. Arizona and New Mexico and Utah are much the same. They were once the Great American Desert.

Go through southern California and see the extensive truck gardens, the green lawns, the fruit-laden orchards, the waving fields, and the magnificent trees there in abundance with all of their heavy foliage. It is a Garden of Eden, a paradise on earth. A generous Creator furnished a marvelous climate and everything man could wish but water. Man's ingenuity, man's ability, and man's foresight brought to this fertile desert the waters necessary to make it the land where flowers grow, where the sun shines, and where everyone is happy. But water is scarce out there. Our rivers are dry, and we have reached the limit of our supply of developed water.

Waters which have been used for irrigation are gradually being withdrawn for domestic use. Domestic use is the highest use that water can be put to. People have a right to drink water and to use water in their kitchens and to water their stock. Southern California and all of the coastal cities—30 of them—that are comprised in the metropolitan water district are now depending, the records of the hearings before the committees of this Congress show, upon stored water for their domestic supply. The only available, sure, and adequate source of supply left is the Colorado River. Here is an opportunity for the Government to perform its duty to Imperial Valley, which is hundreds of feet below sea level and under the dreaded flood menace and suffering the constant encroachment of silt. Here is the opportunity for the Government to do its duty by Imperial Valley and at the same time help Los Angeles and the other coastal cities, and in a way that ultimately will not cost the Government a dollar.

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

Mr. CRAIL. Always to my colleague from New York.

Mr. WAINWRIGHT. What has the gentleman to say to the assertion of the gentleman from Arizona that the State of California insisted that the Army engineers should not be taken in on this project?

Mr. SWING. Mr. Chairman, will the gentleman permit me to answer that question?

Mr. CRAIL. I gladly yield to my friend from California, who knows the facts.

Mr. SWING. What the gentleman refers to was what took place in the Senate on the river and harbor bill in which a general survey of all of the rivers in the United States was being ordered, which the War Department engineers said would take them 10 years to make; and since the United States Reclamation Bureau had already made a survey of the Colorado River, covering 30 years of time, and the War Department engineers had done nothing on the Colorado, to save money and to save time the Colorado River was excluded from the blanket authorization.

Mr. DOUGLAS of Arizona. Does the gentleman know that Major Raymond, of the Corps of Engineers, made a survey of the Colorado—

Mr. CRAIL. Please, can not the gentleman from Arizona put that in his speech when he takes the floor?

Mr. DOUGLAS of Arizona. I shall be delighted to. I beg the gentleman's pardon.

Mr. CRAIL. I have only a short time. There is not any section of the country, even the Imperial Valley, so vitally interested in this project as is the city of Los Angeles, in which I live.

This is not a real-estate promotion scheme, as has been malevolently alleged on this floor. It is life or death not only to Los Angeles but to all of the southern California coastal cities. It is as if our growth and prosperity and development depended upon this one thing. It is vital to us. Without more water we must become stagnate. Stagnation means only death.

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

Mr. CRAIL. I could not deny my friend from North Carolina.

Mr. ABERNETHY. What authority has this Government to go into this proposition? On what basis are we justified in the expenditure of this money as a Federal proposition?

Mr. CRAIL. I tried to explain that in the beginning of what I had to say. Probably the gentleman was not in the Chamber at the time. But though it takes my time of which I have but little, I shall repeat it. The Government owes three great duties here. The first duty that the Government owes is river regulation and flood control. Second, there is the duty to make possible navigation and interstate commerce, which has always been recognized by our Government and is stated in the Constitution as a duty of the Federal Government.

Then there is the third duty of reclamation and irrigation, which is also of vital interest to the Government of the United States. Any one of these duties would fully justify the expenditure, even if the Government were not going to get back every dollar of its money with interest, within 50 years. Not a dollar will be spent of this \$125,000,000 until there are contracts satisfactory to the Government that the money will be returned with interest.

Mr. MORTON D. HULL. Mr. Chairman, the gentleman himself and the promoters of this bill have in the background of their minds some definite guaranty. What is the nature of this guaranty which can be given?

Mr. CRAIL. It is the guaranty of 30 municipalities of southern California, of the Imperial irrigation district, and other irrigation districts. Los Angeles has a bonding capacity which has not been used of almost a hundred million dollars available for this very purpose. We are not asking the Government to do this because we are not financially able to do it or would not like to do it. It is because this is an international and an interstate problem, and the city of Los Angeles or the metropolitan water district of southern California can not take hold of it.

Mr. ABERNETHY. Why?

Mr. CRAIL. Because the law will not permit it, because only the United States Government can do it from any point of view. That is a problem which men who have the time will discuss at length. Everyone in the House knows that that is true, and there is no use of me arguing it.

Mr. COX. The guaranty to which the gentleman refers upon the part of the cities in the group he has in mind is not that they will refund to the Government the amount expended, but it is simply guaranteeing a market for the power and the water that the Government will produce.

Mr. CRAIL. No; it is that they will enter into definite contracts with the Government to purchase power at a fixed price and for long periods of time, until the cost of construction and cost of operations and interest and carrying charges are all repaid to the Government.

Mr. LINTHICUM. How long do you contemplate it will take to complete this dam?

Mr. CRAIL. Ten years.

Mr. LINTHICUM. Then you would draw money in 10 installments from the Government?

Mr. CRAIL. Moneys would become available only as needed. The bill provides that the work shall be done under the direction of the Secretary of the Interior. I wish I had time to answer more fully. I hope the gentleman from Maryland will not think I mean to be short or discourteous. I have so many things in my mind which I wish to say and so little time to say them in.

It is not often that the Government is asked to undertake a development where the return of the money expended is guaranteed in advance. Even in its great undertakings where it has been expected that revenue will be produced there has been no assurance of a return of the cost. Time and results only could tell the story.

Here, however, in the bill pending before us for the construction of the Boulder Dam we have a combination where the Government is taking care of its national obligations and at the same time is receiving a guarantee in advance that the money expended will be returned. The proponents of this measure have not only told the Congress that the communities to be directly benefited are willing to repay the costs, but they have come before the committees and produced abundance of evidence establishing beyond doubt their ability to repay the cost. To make perfectly clear their good faith they have written into the bill a provision that nothing is to be done, no money is to be expended, no contracts let for construction until there have been presented to the Secretary of the Interior perfectly good legal contracts for the full repayment of the cost with interest. If the communities of Southern California had the jurisdiction and could serve the multitude of purpose that will be served by a Government-built Boulder Dam, they would not be here asking anything of the Congress. They have the ability to finance and they have the ability to utilize the products so that Boulder Dam would be built by these communities if they were in a legal position to build it.

In most cases where the Government is asked to undertake any development it is essentially one where the assets must be largely created. In other words, the Government investment creates the ability to repay the cost. Here the commodity produced will be used for that purpose. The communities to be served are already in such prosperous condition that the contracts when made will be secured, thoroughly and automatically.

The all-American canal will be paid for largely by communities already thoroughly established and in excellent financial condition.

Domestic water will be contracted for by a large group of coastal cities with a combined population of perhaps 3,000,000 and assets of billions of dollars.

The power will be contracted for by power corporations who are already in the business and have assets of hundreds of millions of dollars, and by cities with assessed valuations of billions of dollars, and, indeed, by States with the whole of their resources back of their contracts.

No such offer has ever heretofore been made to the Federal Government, and yet this is a public improvement which the United States would not only be justified in constructing, but would be under obligation to construct even if there were no hope of return of the money.

The United States has already expended in flood protection on the Yuma reclamation project about \$2,840,000. There has been expended for flood protection alone on the river front threatening Imperial Valley something like \$10,000,000, mostly by the local communities. Large sums have likewise been spent by local interests in the Palo Verde Valley of California. But the flood menace is more acute now than it has ever been in the past. The United States owns hundreds of thousands of acres of public lands of great potential value along the lower Colorado. This land is all threatened with the flood menace and should the river get beyond control in the Imperial Valley these lands will never be reclaimed. Indeed a great flood on the lower Colorado would destroy the Yuma reclamation project, including the Laguna Dam, which is owned by the United States. The Parker Valley and the Yuma Valley in Arizona and Palo Verde and Imperial Valleys in California, with a combined population of more than 100,000 are constantly menaced by the floods. Clearly it is the Government's obligation to afford protection against floods. As a matter of good business on the part of the United States, flood protection should be assured for the benefit of its own property, even if its citizens and privately owned property are not taken into account. The Boulder Dam would give the greatest possible assurance against flood menace. In fact, the construction of this great dam would solve the flood menace.

A dam that will give flood protection and nothing else on the Colorado is estimated to cost not less than \$28,000,000. Indeed, some of the engineers who have studied the problem state that a dam of that size would not solve the flood menace. Of course, money spent solely for flood protection could not be repaid. This bill, however, guarantees not only to repay the additional cost that will make water available for irrigation and domestic use and relieve the communities below of the intolerable silt burden, but it guarantees to repay all of the cost including money spent on the Government obligations of flood control and reclamation and regulation of commerce.

During the years that the Government has practiced flood control it has never asked the local communities to repay all of the cost thereof. At no time has any local community been asked to pay more than a small part of it. But by the provisions of this bill instead of asking the Government to pay a large part of the cost it is guaranteed in advance that the communities benefited will pay all of the cost. If contracts are not made for the repayment of all the cost, then the works will not be constructed or even commenced.

The fact that it can be so paid for can not well be disputed. Something like 550,000 firm horsepower of electrical energy will be generated at Boulder Dam. The revenue therefrom will be very large.

All of this power will not be thrown on the market in one block so as to disturb the market. On the contrary, as the witnesses have explained before the committees of the House and Senate when the dam is finished to a height of 200 or 300 feet, the first units of power will begin to flow into the market and will come in thereafter at the rate of perhaps 100,000 horsepower per year until the works are finally completed. The power market will absorb this power just about as fast as it is brought in. Speaking conservatively, it will all be used within two or three years after it is available. It will be known at least three or four years in advance when the power will be available and the power distributing agencies will shape their new production program accordingly.

The Southern California Edison Co. is one of the several agencies distributing power in Southern California. It has recently issued a statement that its power consumption is increasing at the rate of 130,000 horsepower per year. It serves perhaps one-third of the power load of the territory to be served. It is a safe assumption, therefore, that the power market in the Southwest is increasing at the rate of perhaps 300,000 horsepower per year. For a long time the power market has doubled every four years in southern California, and it will quickly take all of the Boulder Dam power and will require more to supply the demand.

Prof. William F. Durand, of Stanford University, who is an eminent expert on the subject, in his report to the Secretary of the Interior, printed in part 4 of the hearings on this bill, says:

Regarding this question it may be noted that the record of the various hearings before Congress is particularly full on this point and gives strong evidence for the conclusion that by the time the dam and plant could be completed, the demand due to normal growth in the territory susceptible of economic service from Boulder Canyon should be sufficient to absorb a very large percentage of the available power from the plant; and that within a period of two or three years from completion, a market should be found for the entire product.

A careful independent study of this subject by Messrs. Ready and Butler, consulting engineers of San Francisco, and the details of which have been carefully examined by the undersigned, support these same general conclusions.

Under these conditions there can be no doubt about the ability of the power market in the southwestern portion of the United States to absorb this power and to pay the cost thereof. However, as I have said before, these contracts must be made in advance and if the power market would not justify the making of the contracts then the project simply will not be built and the United States will have expended no money. Those of us who live in the communities affected are sanguine that the contracts will be made and that the power will be used and are therefore willing to have this rigorous provision in the bill. We do not regard it as an injury. We are willing to be required to thus finance in advance. At the same time the plan fully protects the Federal Treasury.

I have been referring to repayment and pointing out that the United States can not lose any money in this development. I wish to refer now to merely one other economic question. It is of considerable magnitude. It is also one of the many reasons why this great project should be completed. I refer to the conservation of oil resources.

From time to time we have heard it suggested that electric power in the extreme Southwest can be generated more cheaply by steam than by water at Boulder Dam. The facts do not substantiate this claim. It will be remembered that there is no coal in southern California, Nevada, or Arizona. The big power market is southern California. The nearest coal fields to southern California are something like 800 miles away. In transporting coal over this distance, mountain ranges are crossed so that the cost of coal in southern California is very great. It is so great that in order to generate power in southern California by steam, fuel oil and gas must be used. In recent years immense oil fields have been discovered, enormous quantities of petroleum have been taken out, but we do not know just how much remains. In any event, how long this fuel supply will last is very problematical.

On this subject, Professor Durand in his report had this to say:

At the present time the cost of fuel oil is about \$1 per barrel. Certain users of fuel oil at the present time, however, are understood to be enjoying the advantage of a considerably lower price, due to the terms of long-time contracts made some years ago when the prevailing prices were \$0.70 to \$0.80 per barrel.

Users of oil fuel are able also to realize marked economies by the installation of a double system of combustion, suited alternately to oil or natural gas. Favorable contracts for such gas have been made (and are understood to be now operative) which give heating values equivalent to oil at about \$0.80 per barrel.

On the other hand, it is understood that no time contracts for oil, of any extended duration, can now be obtained at any such price as \$1 per barrel. The future trend of the price of fuel oil, looking forward to a period of 10 years, is doubtful in the extreme, and for longer periods of time is quite beyond the reach of any reasonable basis of estimate.

Without going here into details, the broad facts are these:

We are unquestionably exhausting our liquid-oil reserves.

A few years ago it was estimated that at the then rate of production such reserves would be practically exhausted in a period of 20 to 25 years.

Since those estimates, some new fields have been discovered.

Methods of extracting oil from the ground are improving.

The demand is constantly increasing.

Enormous reserves are available in the oil shales, awaiting only the development of some economic method of extraction of the oil from the rock. No methods are at present known which will produce such oil in competition with its extraction in liquid form from the ground.

While California territory has been generally prospected for oil, there may be still large fields as yet unknown and uncounted. The same is, of course, true of other territory in the United States and to still higher degree in the world at large.

In a situation of such complexity and with such diverse and unknown elements, the uncertainty of any forecast regarding the cost of fuel oil over any period of future time is clearly apparent. It may seem proper to conclude that over a long period of years the probabilities will be for a rise in price rather than for a fall, but as to how much or how soon, it is quite impossible to forecast.

In considering fuel-oil prices over any considerable period in the future, it would seem proper to use figures of \$1, \$1.25, and \$1.50. The first as possibly representing present conditions or those in the very near future, while the higher figures seem within the limits of probability for a future period of any considerable extent.

In this connection it should also be noted that prices of power based on the low fuel prices which may be enjoyed at the present time as a result of earlier favorable contracts have no significance in the present inquiry, since the competition of Boulder Dam power with that from steam will be based primarily on the fuel conditions of the next half century.

Even though it were assumed that electric power could be generated in southern California by steam at the same price that it could be delivered from Boulder Canyon, it would be an extremely wasteful and short-sighted policy to so generate it. This is a mechanical age. There has not yet been discovered any satisfactory substitute for mineral oils as lubricants. While the demand for lubricants as well as for gasoline and other petroleum products is greatly on the increase, it is well known that the supply of these products will some day be exhausted.

In 1922 Professor Durand testified before the House Committee on H. R. 2903 (p. 1194). His testimony was reproduced in the hearing in 1924, as follows:

The only further point I have had in mind and which I do believe is of importance is that with regard to the significance of this power at Boulder Canyon Dam in reference to our oil reserves. Last week while here I had a conference with Director Smith, of the Geological Survey, and was provided by him, as set forth in authorized estimates which have been made by a special commission intrusted with the duty of determining as far as was humanly possible the amount of our oil reserves. The amount of such reserves is represented by a figure of about 9,000,000,000 barrels, according to the best estimate which can humanly be made at the present time.

Our present rate of production is a little under 500,000,000 barrels per year and the consumption a little over 500,000,000 barrels, which means that we have to go abroad for the balance. If these various conditions should continue about as they are we should exhaust these resources in about 20 years.

Importations will have to increase in order to balance the increased consumption. Now, if we equate the power at Boulder Canyon into fuel oil, we find that the 600,000 horsepower a year equated into terms of oil represents something like 23,000,000 barrels.

Mr. Walter G. Clark, consulting engineer of New York City, testified before the Senate Committee on Resolution 320 (p. 160) in 1925, and stated:

At the present time the fuel used to generate electric power within transmission distance of Boulder Canyon is equivalent to the continuous discharge of fuel oil from an 8-inch pipe at the rate of 5 feet per second every second of the year. This oil should be conserved for the use of the Navy and for marine shipping.

From all of which it clearly appears that in studying the economics of Boulder Dam we must not only regard it from the standpoint of the Treasury in dollars and cents, important as this is, but from the standpoint of the conservation of natural resources.

My conclusion is that the coastal cities of southern California will cheerfully and speedily enter into contracts with the Government to purchase all of the power which can be developed at Boulder Dam, and there is no doubt that every dollar will be returned to the Treasury. At the same time that the taxpayer's money is being saved, the natural resources of our country, which mean more than dollars and cents, are also being saved.

Here we have a situation where a wealth which does not now exist in Arizona, Nevada, and southern California will actually be created. All of the money required for that creation will be returned to the Federal Treasury with interest and the

natural resources of the Nation will be conserved. Surely no one can object with reason and in good faith to such a program.

Mr. DENISON. May I inquire of the gentleman if it has been arranged for some Member to discuss the constitutional question involved?

Mr. CRAIL. That is for the chairman of the committee to answer.

Mr. SMITH. That will be covered.

Mr. CRAIL. This project is entirely feasible. It has been declared constitutional by the most eminent legal authorities. It has been declared practical by the most eminent engineers of national and international reputation.

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

Mr. CRAIL. May I have two minutes more?

Mr. SMITH. I yield to the gentleman five minutes more.

The CHAIRMAN. The gentleman is recognized for five minutes more.

Mr. CRAIL. As I was saying, this project is feasible, it is practical, it is constitutional. It has been approved by the United States Reclamation Service. It has been indorsed in the national platforms of the two great political parties of this country. President Coolidge on numerous occasions has indorsed it and expressed a wish that it would soon pass Congress. Members of the President's Cabinet have approved it, and have appeared before the committees of the House and of the Senate to indorse it and to urge its passage.

And now, friends, Congress has the golden opportunity. The time has come. The Colorado River is the last great undeveloped natural resource of the United States. Water is life in the great Southwest, and this Congress at this session should make a reality of this great dream which means so much not only to the people of the Southwest but to all the people of this country. [Applause.]

When this great dream of the people of the Southwest rounds into fulfillment Boulder Dam will be one of the great national assets. [Applause.]

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

Mr. SMITH. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LEHLBACH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 5773) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes, had come to no resolution thereon.

FURTHER MESSAGE FROM THE SENATE

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

H. R. 5475. An act authorizing the New Cumberland Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near New Cumberland, W. Va.; and

H. R. 12479. An act authorizing the sale of all of the interest and rights of the United States of America in the Columbia Arsenal property, situated in the ninth civil district of Maury County, Tenn., and providing that the net fund be deposited in the military-post construction fund.

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

H. R. 12821. An act to authorize an appropriation to provide additional hospital, domiciliary, and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended, and for other purposes.

The message further announced that the Senate agrees to the amendments of the House of Representatives to bills of the following titles:

S. 2535. An act granting to the State of New Mexico certain lands for reimbursement of the counties of Grant, Luna, Hidalgo, and Santa Fe for interest paid on railroad-aid bonds and for the payment of the principal of railroad-aid bonds issued by the town of Silver City and to reimburse said town for interest paid on said bonds, and for other purposes; and

S. 3808. An act to authorize the construction of a temporary railroad bridge across Bogue Chitto River at or near a point in township 5 south, range 13 east, St. Helena meridian, St. Tammany Parish, La.

The message also announced that the Senate had ordered that Mr. SIMMONS be excused from service on the committee of conference on the bill (H. R. 1) entitled "An act to reduce and equalize taxation, provide revenue, and for other purposes," and that Mr. HARRISON be appointed in his stead.

ADDITIONAL HOSPITAL FACILITIES FOR WORLD WAR VETERANS

Mrs. ROGERS. Mr. Speaker, I am authorized by the Committee on World War Veterans' Legislation to ask unanimous consent to take from the Speaker's table the bill H. R. 12821, with a Senate amendment, and agree to the Senate amendment.

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

The Clerk read as follows:

A bill (H. R. 12821) to authorize an appropriation to provide additional hospital, domiciliary, and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended, and for other purposes.

The Senate amendment was read.

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

NEW DIVISION, DISTRICT COURT, NORTHERN DISTRICT OF TEXAS

Mr. SUMNERS of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 3864, which is identical with House bill 12692. Mr. JONES, the author of the bill, is here and joins in the request.

The SPEAKER. Will the gentleman say there is an emergency?

Mr. SUMNERS of Texas. Yes.

The SPEAKER. The gentleman from Texas asks unanimous consent to take from the Speaker's table the bill S. 3864. The Clerk will report it.

The Clerk read as follows:

A bill (S. 3864) to create a new division of the District Court of the United States for the Northern District of Texas

Be it enacted, etc., That there is hereby created, in addition to those now provided by law, a new division of the District Court of the United States for the Northern District of Texas, which shall include the territory embraced on the 1st day of July, 1928, in the counties of Bailey, Borden, Lamb, Floyd, Kent, Motley, Hale, Dickens, Crosby, Lubbock, Scurry, Hockley, Cochran, Yoakum, Terry, Lynn, Garza, Dawson, and Gaines, which shall constitute the Lubbock division of said district. Terms of the district court for the Lubbock division shall be held at Lubbock on the third Monday in May and the second Monday in December: *Provided,* That suitable accommodations for holding court at Lubbock shall be provided by the county or municipal authorities without expense to the United States.

The clerk of the court for the northern district shall maintain an office in charge of himself or a deputy, in addition to the places now provided, at Lubbock, which shall be kept open at all times for the transaction of the business of the court.

Sec. 2. All laws and parts of laws in conflict herewith are hereby repealed.

The SPEAKER. The question is on the third reading of the Senate bill.

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

A motion to reconsider the vote whereby the Senate bill was passed was laid on the table.

THE PRESENT AND FUTURE OF DISARMAMENT

Mr. RATHBONE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an address delivered by myself recently before the American Academy of Religious and Social Science on the subject of disarmament.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

Mr. RATHBONE. Mr. Speaker, under leave granted to extend my remarks, I insert the following address delivered by myself at the annual convention of the American Academy of Political and Social Science, held at the Bellevue-Stratford Hotel, Philadelphia, May 12, 1928.

ADDRESS BEFORE CONVENTION OF THE AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE BY HON. HENRY R. RATHBONE, CONGRESSMAN AT LARGE FROM ILLINOIS

War is the most terrible scourge that afflicts humanity. The greatest irony of our boasted civilization is that it is still led captive behind the chariot of the god of war.

Peace is the crown of civilization. The assurance of a just and lasting peace would be the greatest blessing ever conferred on mankind.

THREE PROPOSED ROADS TO PEACE

There are three roads which humanity is invited to take and which we are told will lead us toward the temple of peace that shines afar from its lofty heights and beckons us on. There are three lines of attack against the forces of Mars.

Each of these proposed plans for abolishing war has its especial champion and sponsor among the great nations or groups of powers.

First, we have the proposal to outlaw war, which originated with and is championed by the United States. This would probably involve some form of codification of international law and the establishment of a tribunal for the settlement of justiciable disputes, the decisions of which would be based upon such code.

Secondly, the covenant of the League of Nations, which rests upon the principle that disputes between nations should be settled by the maintenance of the status quo and the peace of the world by economic pressure or force of arms.

Thirdly, we have the recent proposal made by the Soviet Government of disarmament, to be accomplished as speedily and completely as possible.

DISARMAMENT ONLY A PARTIAL REMEDY

It can hardly be claimed that disarmament is the sole or even the most important road leading to peace. It is negative rather than affirmative. Nevertheless, it should not be belittled for that reason. It is as important that the farmer first clear his raw land as it is for him later to plant his crop.

Disarmament is one of many changes which will have to take place before the world can rid itself of war. In order to achieve success the attack upon the enemy's forces should be made all along the line of battle, and disarmament is a vital point in that line.

PRESENT PROSPECTS FOR DISARMAMENT

At first blush the prospects would not appear especially bright for any movement in the direction of disarmament. Despite the declarations of its covenant the League of Nations has accomplished practically nothing in bringing about disarmament. The Geneva conference ended in total failure. The recent proposal of the Soviet Union was so lightly, if not scornfully, received by most of the great powers as to induce the belief that the world was not prepared for any considerable reduction of armament.

FORCES WORKING TO BRING ABOUT DISARMAMENT

In spite of every discouragement, however, I believe that there are great fundamental forces at work, the influence of which will sooner or later have its effect upon future armaments. It has been well said that "nothing succeeds like success." Disarmament has been achieved and the inference therefore will be drawn that it may in the future be made a success in a yet wider field than ever before.

True, such forms of disarmament are only partial and on a strictly limited scale, but still the success made gives great hope for the future.

The international boundary between the United States and Canada, which for over 100 years has been unguarded by fort, a soldier, or a gun, is one shining example of successful disarmament.

The Washington conference is another. Although it dealt solely with capital ships and left untouched other problems of disarmament, yet it marked the beginning of a new era. For the first time in the history of the world great nations, by their chosen representatives, met about the council table and were able to agree upon a limitation and reduction of armament, to take a naval holiday, to lighten the burden of their taxpayers by many millions of dollars, and to turn the thoughts of men, at least for the time being, away from preparation for war and in the direction of peaceful commerce and industry.

Again, the advance of science will tend to do away with armaments. It may well be that in the not far distant future battleships and cannon will be rendered obsolete. Mighty armaments will be replaced, if war is to continue, by the chemical laboratories, where the asphyxiating gases and deadly poisons will be concocted with which conflicts of the future will be waged.

Moreover, economical forces in the long run are well-nigh irresistible and it is likely that they will in the end exert a most potent influence against great armaments. Those nations which, like Germany, have been compelled to disarm will be thereby relieved of such a staggering weight that they will hold a position of great advantage over those nations which must still bear the colossal burdens of preparedness for war. The peoples who are taxed to maintain armaments will note the difference and sooner or later are likely to insist on a lightening of their burdens.

PUBLIC OPINION WILL MAKE ITS INFLUENCE FELT

Recently we had an example of the power of public opinion when aroused on the subject of increased armament. This happened in connection with the program of naval construction laid before Congress at its present session. At the outset it seemed as if nothing could stop a wave of sentiment in favor of a great program of naval construction. But then came what amounted almost to an upheaval of public sentiment in opposition to an extreme expenditure on new cruisers, which was so powerful that Congress was at once constrained to take heed and to adopt a moderate program of construction.

Finally, the reception given to the proposal of the Soviet Government for immediate and total disarmament, and later for a reduction of armaments by degrees, was not so wholly unfavorable as might, perhaps, have been expected. The comments of many leading newspapers at the time were far from unfavorable.

The most significant thing, however, of all, to my mind, was the total failure on the part of those who scornfully rejected the Soviet proposal to assign any good reason for rejecting it. Litvinov's jibe has remained unanswered, when in his address he said, "On the one hand the criticism of our proposal was based upon deep international mutual suspicion, upon the assumption that a solemnly adopted international convention is inevitably bound to be violated. On the other hand, we are being told: When two neighbors, armed to the teeth, give a solemn promise not to attack each other, then they believe that a fight is impossible. But when these neighbors, in addition to their solemn promise, engaged themselves to disarm and actually do disarm, then we are told that this will not only increase, but, on the contrary, even diminish the existing security."

THE CONDITIONS OF SUCCESS

There are certain conditions that must be met before any success in the matter of disarmament can be achieved. First, disarmament must be mutual. As Abraham Lincoln once said, "A house divided against itself can not stand; I believe that this Nation can not permanently endure half slave and half free." So we might well say, "The world can not permanently continue half armed and half unarmed."

Secondly, disarmament must be voluntary. One of the most deep-seated things in human nature is that it resents discrimination and rebels against an assumed superiority. If disarmament is involuntarily imposed on some nations while others are permitted to be armed to the teeth, the disarmed nations will most deeply resent their impotence. "To be weak is miserable, doing or suffering." It may be regarded as certain that at the earliest opportunity nations forced to disarm against their will will repudiate any agreement which they may have made and will insist on their being treated as the equals of those which are armed, even though they are compelled to go to war to reestablish their equality.

Thirdly, disarmament must be general. Either nations like Germany must be allowed to arm or the powers which are now armed must disarm.

DISARMAMENT MUST BE BASED ON JUSTICE

If the nations are to lay down their arms, above everything else a new spirit must prevail among them. There must be a new standard of international ethics established. We must take this as the motto for our international conduct: "Nothing can be right between nations which is wrong between men." Emerson was eternally right when he closed his great essay on self-reliance with these words: "Nothing can bring you peace but the triumph of principles."

This new international spirit must be manifested by the adoption of higher and better principles in international relations.

RENUNCIATION OF IMPERIALISM IS NECESSARY

Renunciation is the word which best expresses the moral lessons which nations so sadly and urgently need to learn. It is the spirit of imperialism that more than anything else stands like a mighty rock to block the onward progress of the nations toward peace and disarmament. All forms of commercial or other advantage enjoyed by one nation over others should be surrendered. Colonies and spheres of influence should be abandoned. The system of mandates should be done away with and one of joint control should take its place. The civilized nations should be guaranteed equal opportunity to participate in the development of backward countries. The doctrine of the "open door," one of the fundamental principles of American diplomacy, should be broadened and universally recognized.

If we expect the great powers to surrender the advantages that they enjoy, the United States must be prepared to do the same. What has been said would apply to the Philippines and to our spheres of influence in Central America and in the Caribbean Sea. Moreover, it may well be that the war debts should be considered as part of a general international settlement. The surrender of war claims should form part of the inducement extended to other nations to take part in such a settlement.

Not only must nations be prepared to surrender their advantages on land, but also any which they may enjoy on sea. The doctrine of the "freedom of the seas" should be enlarged to take in all the elements. No nation should be the ruler of the land or of the sea or of the air.

Every civilized nation should be pledged to a belief in and a strict observance of the principle of self-determination, which is none other than the doctrine proclaimed in the Declaration of Independence of Government by the consent of the governed.

CONCLUSIONS

Armaments are a very great and growing evil. Every effort should be made to bring about disarmament, whether partial or total. The choice before the nations is somewhat similar to that which confronts a man who has for a long time past been indulging to excess in intoxicants and whose physician informs him that he must stop, if he is to

live. He may decide never to take another drop or he may determine strictly to limit and perhaps gradually to reduce the amount of his potations. No doubt the first course would be for him the best, but the latter is the one which he is more than likely to follow. Total and permanent disarmament would be of immense and incalculable benefit to humanity. It is so difficult to attain to the conditions, however, under which total disarmament would be possible, that it can hardly be considered as practical at the present time.

I believe, however, that in the comparatively near future we shall see a substantial step taken in the direction of some reduction of armaments and that this will be brought about through an international conference.

Let us hope that this will come before the catastrophe of another great world war. Let us bend every effort to keep constantly before the eyes of the peoples of the world the tremendous importance of the problem of disarmament. Let us do our best to speed the coming of the time of "Peace on earth, good will to men."

LEWIS MORRIS, SIGNER OF THE DECLARATION OF INDEPENDENCE

Mr. GRIFFIN. Mr. Speaker, I ask unanimous consent to extend in the RECORD my remarks at St. Ann's Church, the Bronx, New York City, July 5, 1926, on the occasion of the sesquicentennial of the birth of Lewis Morris, a signer of the Declaration of Independence, and in that connection an address made by the Hon. Charles W. Parker, justice of the Supreme Court of New Jersey, upon Lewis Morris, the grandfather of the signer and the first Governor of New Jersey.

The SPEAKER. Is there objection to the gentleman's request?

Mr. CRAMTON. I have no objection to the gentleman printing his own address, but I shall have to object to the other address.

Mr. GRIFFIN. It has a connection. The grandfather of Lewis Morris, the signer of the declaration, was the first Governor of New Jersey, referred to in the address of Mr. Justice Parker.

Mr. CRAMTON. I would not object if the gentleman would modify his request.

The SPEAKER. So far as the extension of the gentleman's own remarks is concerned, is there objection?

There was no objection.

The address was as follows:

LEWIS MORRIS, 4TH, ONLY SIGNER OF THE DECLARATION OF INDEPENDENCE WHO WAS BORN AND BURIED IN THE CITY OF NEW YORK

It is a great privilege to be afforded the opportunity to address this distinguished gathering upon this doubly significant occasion, for we celebrate not only the sesquicentennial of the birth of our Nation but also the two-hundredth anniversary of the birth of a great patriot and statesman, who was born and who died and was interred in the city of New York. We are standing on sacred ground. The mortal remains of Lewis Morris are interred in the crypt in the basement of this historic edifice.

I hope the celebration here to-day will revive the interest of the people of New York in historic landmarks. If this delightful old church were in Pohick, Va., or somewhere around Boston, its steps would be worn smooth with caravans of patriotic tourists who would be directed to its doors. Because it is in New York it seems to have been forgotten.

I made an address at the Bunker Hill celebration in Boston a few years ago and was delighted, as well as amazed, at the local pride manifested in all of the Revolutionary landmarks. The house where Benjamin Franklin lived, the old church in whose tower the lanterns were hung to signal to Paul Revere the news that the British troops were about to begin the march on Lexington and Concord, and other historic landmarks were pointed out to visitors with pride and reverence. All the way from Boston Common to Lexington and Concord, where the embattled farmers stood and "fired the shot heard 'round the world"—every rod of it was marked by some historic recollection and is idealized into a shrine for patriotic devotion.

Recently I journeyed through the Yorktown Peninsula, and every acre of it was held sacred—Jamestown, the scene of the first settlement; the little church at Williamsburg, where Pocahontas was baptized; Yorktown, where Cornwallis surrendered; and the sites of the famous battles of the Civil War—all were marked and emphasized with patriotic fervor.

New York City is not lacking in equally interesting landmarks of great historic interest, but in our overwhelming devotion to commercial and industrial progress we have apparently allowed ourselves to forget our obligations to the finer sensibilities of pride in the origins and traditions of our city. To the student of history whose heart is warmed by contact with places having a historic significance our great city offers for our devotion numerous Revolutionary landmarks.

Bowling Green, where the sons of liberty tore down the leaden statue of George III and used its metal for bullets, there stands to-day the iron railings once capped with the ornamental iron balls which were chipped off and used as shot for patriot cannon.

Francess Tavern, where Washington bid his officers farewell, the old structure being preserved in the same state in which it stood in Revolutionary days.

Trinity and St. Paul's churchyards, on Broadway, containing the remains as well as monuments of patriotic statesmen and heroes.

The Subtreasury Building, on Wall Street, where Washington was sworn in as the first President of our Republic and where the first Congress of the new Government met.

The anchorage of the Brooklyn Bridge, at No. 3 Cherry Street, which now occupies the site where once stood the colonial mansion which Washington occupied as the first White House.

City Hall Park, the site of the old British prison, where so many patriots languished and died. There stands the statue of Nathan Hale who, before he died on the scaffold on that very spot, is said to have defiantly exclaimed: "My only regret is that I have only one life to give for my country!" Whether he said it or not, we can easily believe that was his thought.

I was born and brought up on the east side of the Island of Manhattan, within a stone's throw of the shore, on which the boats of Washington's army were beached when he led them on that foggy night after the disastrous defeat on Brooklyn Heights. To cover his retreat through the Island of Manhattan, intrenchments and block houses were built at intervals. One of these block houses was built at Broadway and Houston Street by General Putnam. Another, which is still standing, may be seen in the northwestern corner of Central Park.

I shall not take time to enumerate the many points of Revolutionary significance to be found in the Bronx. Suffice it to say that, beginning at this historic church, the whole county which was then a part of Westchester, is filled with historic sites and recollections. When the British occupied New York City, which was then at the tip of Manhattan Island, the Bronx was the fighting ground of guerrillas from both sides all during the Revolutionary conflict. And in that fighting, Lewis Morris, to whom I am to pay my tribute to-day, had a vital and conspicuous interest.

When I accepted the honor to speak here to-day I confess I assumed the task in a most light-hearted manner, believing that my mere casual acquaintance with the subject could be easily fortified and augmented sufficiently for the purpose by reference to the encyclopedias. What was my surprise then to find that Lewis Morris, one of the signers of the Declaration of Independence, was not deemed of sufficient historic importance to entitle him to even a paragraph? In one encyclopedia, for instance, was the brief statement at the end of the memoir of Gouverneur Morris in these casual, almost flippant, words: "His elder brother, Lewis, was one of the signers of the Declaration of Independence."

Such was my predicament that I began to fear that I would have to come here to-day and apologetically make the disgraceful admission that the annals of American history were silent upon the life of Lewis Morris, the modest, able, brave statesman and soldier, who really paved the political way for his younger and more famous brother.

One of the most discouraging embarrassments of the student of history is the inequitable appraisal of the relative merits of historic characters. I know of no great man in our early history whose memory has suffered more from this disparagement of bias and utter neglect than the patriot whose memory in great measure we are assembled here to honor on this distinguished occasion.

Lewis Morris was born here in the Bronx on April 8, 1726; so that by a strange historic coincidence this occasion is not only the sesquicentennial anniversary of American Independence but the two hundredth anniversary of his birth.

The name Morris is inseparably connected with the Bronx, forming as it does the root of Morrisania. It is of Welch origin, being derived from the word "Maur" (meaning great) and the term "Rhys" (meaning a chief). "Maur Rhys" was the appellation for Rhys Fitzgerald, a Cambria chieftain, who invaded Ireland in the reign of Henry II. He was given a large domain in Wales and dropped the name of Fitzgerald. The compound name "Maur-Rhys" was later corrupted into "Maurice" and finally "Morris."

The founder of the Morris family in America was Richard Morris, a captain in Cromwell's army. On the restoration of Charles II he decided that it might, perhaps, be more comfortable for him to reside outside of England. At first he sought refuge in the Barbadoes, where he married, and later came to New Amsterdam, which was soon to be conquered by the English and its name changed to New York. He purchased a large tract of land in the Bronx, building a mansion on the slope of the hill leading down to the old mill stream that used to meander along about the location of the present Brook Avenue. He died in 1673. His son Lewis (born 1671) became the first colonial Governor of New Jersey. He died May 21, 1748, and his remains are interred in this church. He left two sons, Lewis Morris, who became a justice of the court of vice admiralty of New York, and Robert Hunter Morris, who became chief justice of New Jersey under the Constitution of 1776. Lewis Morris had four sons.

Lewis Morris, the fourth of the name, the subject of this address, was the eldest and was born at the old homestead, within a stone's throw

of the historic church in which we are now gathered, on April 8, 1726. He was sent to Yale College when 16 years old and graduated in 1746. For 20 years he devoted his energies to the cultivation of his immense estate, which covered an area of 3,000 acres. In the meantime he married Miss Mary Walton, a young lady of large fortune. Six sons and four daughters blessed the union.

His, indeed, was a home of supreme domestic felicity when the rumblings of the Revolutionary struggle began. When the infamous stamp act was promulgated by the British Parliament in 1765 it elicited immediate and emphatic protests. The newspapers published editions in black borders to symbolize the death of liberty. With everything to gain, except the consolation of his conscience, Lewis Morris (whose wealth and social standing might well have tempted a mercenary man to ally himself with the Tories, of whom there were many in the colony) forgot self-interest and arrayed himself upon the patriotic side of the controversy.

The stamp act was repealed in the following year but was soon followed by other acts of oppression. Parliament, it seemed, would concede one point to recede and then insist upon some other point equally objectionable to American sensitiveness.

An old statute of Henry VIII was revived in Massachusetts under which persons charged with political offenses could be brought to England for trial instead of being permitted to be tried where the alleged offense was committed. You will recall that this was one of the chief grievances subsequently enumerated in the Declaration of Independence.

In other colonies similar acts of oppression, but varying in their character and intensity, forced the colonies into a cohesive combination of resistance and in the aggregate forced the calling of the first Continental Congress in 1774. Its resolutions of protest were spurned.

This cavalier treatment of the first Continental Congress drove the patriots to more determined preparations for the next. The provincial congresses in the different States at the ensuing sessions passed resolutions indorsing the stand of the Continental Congress and elected a full representation to participate in the session of 1775. The New York Convention of Deputies met at White Plains on April 22, 1775, a few days after the Battle of Lexington, and chose Lewis Morris, of Morrisania, as a delegate to the Continental Congress.

When the Continental Congress met in 1775 he was placed on the committee, of which George Washington was chairman, to provide military stores and ammunition for the rapidly forming Continental Army. In the following fall and winter he was among the foremost in shaping and perfecting the preparations for what he saw was to be a long military struggle. He went into the western part of the country and took up negotiations with the Indian tribes in an effort to detach them from their alliance with Great Britain.

I see before me in this audience Chief Fair Cloud, a full-blooded descendant of one of the Indian tribes which Lewis Morris visited. What a curious coincidence is this! It would seem as though his presence here to-day had been planned to give emphasis to this phase in the life of Lewis Morris; and yet I venture to say that neither Chief Fair Cloud himself nor Major Davis, who invited him to be present, were, up to this moment, acquainted with the relationship he occupies to the renowned subject of this address.

When the Continental Congress met again in 1776 Lewis Morris was made a member of the committee to contract for the purchase of muskets and bayonets and the encouragement of the manufacture of saltpeter and gunpowder. He was also a member of the Committee on Indian Affairs.

In June, 1776, the committee, composed of Jefferson, Adams, and Livingston, were appointed to draft a suitable declaration justifying the attitude of the Colonies before the world. On June 28, 1776, Washington announced the arrival of Gen. Sir William Howe in the *Greyhound* off Sandy Hook with a convoy of 130 vessels. It was generally known that Admiral Lord Richard Howe was near at hand with nearly 300 more transports and warships, all aiming at the capture of New York.

Imagine the state of mind of Lewis Morris in the Continental Congress when the draft of the Declaration of Independence came up for consideration. His home and large estate in Morrisania he knew would soon be given over to Howe's mercenaries; but, abandoning all thoughts of self-interest, and never wavering for an instant, he threw his whole heart and soul into the balance in favor of American liberty.

His signature to the immortal document of American liberty is in a fine and clear though not so large a hand as that of John Hancock. It is, indeed, significant of the simplicity, modesty, and integrity of his noble character. He was not wrong in foreseeing the reprisal of the British for his activities in behalf of American liberty. Washington was beaten at the Battle of Long Island, and the British troops soon tore through the beautiful valleys of the Bronx. His splendid woodland of over a thousand acres was destroyed, his cattle driven off, and his estate given up to plunder and conflagration, so that when he returned after the evacuation of New York on November 23, 1783, he found himself impoverished, his only consolation being the honor and esteem in which he was held by his fellow citizens.

The distinguishing characteristic of Lewis Morris was his modesty, his integrity, and disinterestedness. For instance, it is not generally known that he declined to run for a second term in the Continental

Congress, waiving his rights in favor of his younger half-brother Gouverneur Morris, thus giving the opportunity to that young statesman to lay the foundations for his subsequent renown. Lewis Morris sincerity. To do a good act was to him its own reward. He never looked for praise or blame. To use a commonplace expression, "he never blew his own horn." He left no autobiographical records of his achievements, and has thus been neglected by historians. Gouverneur, on the contrary, had the gift of oratory and wielded a facile pen. The confidence of Lewis in his younger brother was not misplaced. There is no doubt that the younger was the better fitted for a parliamentary career, and his splendid achievements confirm and justify the wisdom of a brother's sacrifice.

Lewis Morris thus passed from a parliamentary career into the sphere of military action, for which he was perhaps more fitted. He resumed his connection with the State militia, attaining the rank of major general, and participating in the many skirmishes which ensued during the British occupation of New York. For the Bronx was then a sort of "No man's land" and the scene of almost continuous guerrilla warfare. He also served in the State legislature, where he was distinguished for his patriotic zeal and rare sagacity.

It is not alone the contribution of Lewis Morris himself to the patriotic cause that should entitle him to honor and esteem. It must also be accorded to his glory that three of his sons bore an active part in the Revolutionary armies. Their remains also are interred within the sacred bounds of this historic church.

The great struggle for independence over, Lewis Morris returned to his ravished and ruined estate and devoted his declining years to rebuilding it to its former magnificence. He was content to live in bucolic peace and happiness and passed peacefully out of a life well worth while at the age of 72 years on the 22d day of January, 1798.

His remains are now interred in the crypt over which I am at this moment standing. Outside in the great mausoleum are the remains of his more distinguished brother, and all around us in vaults and graves in the modest churchyard of this inclosure lie the remains of noble men and women of conspicuous renown in war and peace. This little church is therefore historic. Its significance should be better appreciated. We live in an environment where patriotism is not sufficiently fostered. There is no future for America unless we maintain the spirit of reverence for the virtues of courage and self-sacrifice which characterized the signers of the Declaration of Independence.

It is my most sincere hope that one of the results of this anniversary, which I trust from hence forward is to become an annual celebration, will be the stimulation of a revival of interest among New Yorkers in its many vital historic landmarks which stand as mementoes of the highest form of human disinterestedness, devotion, and patriotism.

SENATE BILL REFERRED

A bill of the following title was taken from the Speaker's table and, under the rule, referred to the appropriate committee, as follows:

S. 3551. 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; to the Committee on Interstate and Foreign Commerce.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title, when the Speaker signed the same:

H. R. 971. An act for the relief of James K. P. Welch.

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 1284. An act amending the act approved April 30, 1926, entitled "An act amending the act entitled 'An act providing for a comprehensive development of the park and playground system of the National Capital,' approved June 6, 1924";

S. 1369. An act to authorize and direct the survey, construction, and maintenance of a memorial highway to connect Mount Vernon, in the State of Virginia, with the Arlington Memorial Bridge across the Potomac River at Washington;

S. 1661. An act 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;

S. 2327. An act to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes;

S. 2370. An act to amend section 24 of the immigration act of 1917;

S. 2542. An act for the construction of a private conduit across Lincoln Road NE., in the District of Columbia;

S. 2823. An act amending the statutes of the United States with respect to reissue of defective patents;

S. 3693. An act authorizing the city of Council Bluffs, Iowa, and the city of Omaha, Nebr., or either of them, to construct, maintain, and operate a free highway bridge across the Missouri River between Council Bluffs, Iowa, and Omaha, Nebr.;

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

S. J. Res. 97. Joint resolution authorizing the President to appoint three delegates to the Twenty-third International Congress of Americanists, and making an appropriation for the expenses of such congress.

JOINT RESOLUTIONS AND BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States for his approval joint resolutions and bills of the House of Representatives of the following titles:

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;

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;

H. R. 7373. An act 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;

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. R. 9495. 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;

H. R. 11338. An act authorizing the Kansas City Southern Railway Co., its successors and assigns, to construct, maintain, and operate a bridge over the Missouri River near Randolph, Mo.; and

H. R. 11990. An act to authorize the leasing of public lands for use as public aviation fields.

LEAVE OF ABSENCE

Mr. CLANCY, by unanimous consent (at the request of Mr. McLEOD), was granted leave of absence, on account of the death of his mother.

Mr. CONNERY, by unanimous consent (at the request of Mr. DOUGLASS of Massachusetts), was granted leave of absence, indefinitely, on account of illness in his family.

ADJOURNMENT

Mr. SMITH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 30 minutes p. m.) the House adjourned until to-morrow, Wednesday, May 23, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Wednesday, May 23, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To amend the act approved December 23, 1913, known as the Federal reserve act; to define certain policies toward which the powers of the Federal reserve system shall be directed; to further promote the maintenance of a stable gold standard; to promote the stability of commerce, industry, agriculture, and employment; to assist in realizing a more stable purchasing power of the dollar (H. R. 11806).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To 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:

539. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination and survey of Waddington Harbor, N. Y. (H. Doc. No. 322); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

540. A letter from the chief scout executive of the Boy Scouts of America, transmitting copy of the eighteenth annual report of the Boy Scouts of America (H. Doc. No. 323); to the Committee on Education and ordered to be printed, with illustrations.

541. A letter from the Secretary of the Treasury, transmitting report of the Federal farm-loan board for the year ended December 31, 1927 (H. Doc. No. 324); to the Committee on Banking and Currency and ordered to be printed, with papers.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. LUCE: Committee on the Library. H. R. 11800. A bill to establish a commission for the participation of the United States in the observance of the one hundred and fiftieth anniversary of the Battle of Rhode Island; without amendment (Rept. No. 1809). Referred to the Committee of the Whole House on the state of the Union.

Mr. ELLIOTT: Committee on Public Buildings and Grounds. H. R. 13929. A bill to provide for the enlarging of the Capitol Grounds; without amendment (Rept. 1810). Referred to the Committee of the Whole House on the state of the Union.

Mr. DALLINGER: Committee on Civil Service. S. 3116. An act providing for half holidays for certain Government employees; with amendment (Rept. No. 1811). Referred to the Committee of the Whole House on the state of the Union.

Mr. MORIN: Committee on Military Affairs. H. R. 11469. A bill to authorize appropriations for construction at the United States Military Academy, West Point, N. Y.; without amendment (Rept. No. 1812). Referred to the Committee of the Whole House on the state of the Union.

Mr. UNDERHILL: Committee on Claims. S. 3294. An act for the relief of certain newspapers for advertising services rendered the Public Health Service of the Treasury Department; without amendment (Rept. No. 1813). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN: Committee on Agriculture. H. R. 13882. A bill to extend the benefits of the Hatch Act and the Smith-Lever Act to the Territory of Alaska; without amendment (Rept. No. 1816). Referred to the Committee of the Whole House on the state of the Union.

Mr. PORTER: Committee on Foreign Affairs. H. J. Res. 311. A joint resolution to provide an annual appropriation to meet the quota of the United States toward the expenses of the International Technical Committee of Aerial Legal Experts; without amendment (Rept. No. 1817). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. S. 3097. An act for the relief of the State of North Carolina; without amendment (Rept. No. 1818). Referred to the Committee of the Whole House on the state of the Union.

Mr. PARKS: Committee on Interstate and Foreign Commerce. H. R. 13108. A bill granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a toll bridge across the White River at or near Newport; with amendment (Rept. No. 1820). Referred to the House Calendar.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H. R. 13747. A bill authorizing the Northwest Florida Corporation, its successors and assigns, to construct, maintain, and operate a bridge across Perdido Bay, at or near Innerarity Point in Escambia County, Fla., to the mainland of Baldwin County, Ala.; without amendment (Rept. No. 1821). Referred to the House Calendar.

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. H. R. 13777. A bill authorizing the State of Louisiana and the State of Texas to construct, maintain, and operate a free highway bridge across the Sabine River at or near Burrs Ferry; without amendment (Rept. No. 1822). Referred to the House Calendar.

Mr. PEERY: Committee on Interstate and Foreign Commerce. H. R. 13848. A bill to legalize a bridge across the Potomac River at or near Paw Paw, W. Va.; without amendment (H. Rept. No. 1823). Referred to the House Calendar.

Mr. PARKS: Committee on Interstate and Foreign Commerce. S. 4344. An act granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across White River at or near Clarendon, Ark.; with amendment (Rept. No. 1824). Referred to the House Calendar.

Mr. BURTON: Committee on Foreign Affairs. H. R. 13930. A bill to authorize an appropriation for the American group of the Interparliamentary Union; without amendment (Rept. No. 1825). 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. HOFFMAN: Committee on Military Affairs. H. R. 2651. A bill for the relief of David F. Richards, alias David Richards; without amendment (Rept. No. 1814). Referred to the Committee of the Whole House.

Mr. FURLOW: Committee on Military Affairs, S. 2894. An act for the relief of Robert O. Edwards; without amendment (Rept. No. 1815). Referred to the Committee of the Whole House.

Mr. GUYER: Committee on Claims. H. R. 11749. A bill for the relief of H. A. Russell; with amendment (Rept. No. 1819). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HASTINGS: A bill (H. R. 13955) to provide for the construction of a military road at the United States cemetery at Fort Gibson, Okla.; to the Committee on Military Affairs.

By Mr. PARKS: A bill (H. R. 13956) for the purchase of a site and the erection of a public building thereon at Warren, Ark.; to the Committee on Public Buildings and Grounds.

By Mr. DOWELL: A bill (H. R. 13957) to repeal certain provisions of law relating to the Federal building at Des Moines, Iowa; to the Committee on Public Buildings and Grounds.

By Mr. PORTER: Joint resolution (H. J. Res. 316) authorizing an appropriation in the sum of \$12,350 to pay for the expenditures involved in the participation by the United States in the International Juridical Congress on Wireless Telegraphy to be held at Rome in 1928; to the Committee on Foreign Affairs.

Also, joint resolution (H. J. Res. 317) authorizing an appropriation in the sum of \$19,800 to pay for the expenditures involved in the participation by the United States in the International Telegraph Conference to be held at Brussels in 1928; to the Committee on Foreign Affairs.

By Mr. REED of New York: Concurrent resolution (H. Con. Res. 39) to provide for the printing of additional copies of the hearings held before the Committee on Education of the House of Representatives on the bill "To create a department of education"; to the Committee on Printing.

By Mr. PARKER: Resolution (H. Res. 219) to pay additional compensation to the clerks of the Committee on Interstate and Foreign Commerce; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BULWINKLE: A bill (H. R. 13958) granting a pension to Uffie Grooms; to the Committee on Invalid Pensions.

By Mr. BURTON: A bill (H. R. 13959) for the relief of Lieut. David O. Bowman, Medical Corps, United States Navy; to the Committee on Naval Affairs.

By Mr. FULBRIGHT: A bill (H. R. 13960) granting a pension to Isadore Hitchcock; to the Committee on Invalid Pensions.

By Mr. GARDNER of Indiana: A bill (H. R. 13961) granting a pension to Elvira Burton; to the Committee on Pensions.

By Mr. GRAHAM: A bill (H. R. 13962) granting a pension to Nellie Bell; to the Committee on Invalid Pensions.

By Mr. HASTINGS: A bill (H. R. 13963) granting an increase of pension to Sarah E. McHolland; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 13964) granting an increase of pension to Nancy Elizabeth Armstrong; to the Committee on Invalid Pensions.

By Mr. HOFFMAN: A bill (H. R. 13965) for the relief of the dependents of Vincent A. Clayton; to the Committee on Claims.

Also, a bill (H. R. 13966) granting a pension to William A. Hankinson; to the Committee on Invalid Pensions.

By Mr. HUGHES: A bill (H. R. 13967) granting a pension to Nancy R. Gibbs; to the Committee on Pensions.

By Mr. WILLIAM E. HULL: A bill (H. R. 13968) for the relief of James Hayden; to the Committee on Claims.

By Mr. SANDERS of New York: A bill (H. R. 13969) granting an increase of pension to Phila Cross; to the Committee on Invalid Pensions.

By Mr. UNDERHILL: A bill (H. R. 13970) granting an increase of pension to Olive A. Baker; to the Committee on Invalid Pensions.

By Mr. UPDIKE: A bill (H. R. 13971) granting an increase of pension to Mary Eva Turner; to the Committee on Invalid Pensions.

By Mr. WOLVERTON: A bill (H. R. 13972) granting an increase of pension to Matilda A. Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13973) granting an increase of pension to Anna M. Dielkes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13974) granting an increase of pension to Hester A. Darlington; to the Committee on Invalid Pensions.

By Mr. ZIHLMAN: A bill (H. R. 13975) for the relief of Morris Pondfield and Kalman Steiner; to the Committee on Claims.

By Mr. MENGES: Resolution (H. Res. 220) to pay a sum not to exceed \$500 to Kate Gilbert for expenses of William R. Palmer, late an employee of the House of Representatives; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7741. By Mr. BARBOUR: Resolution adopted by the Kern County Beekeepers Club, Bakersfield, Calif., protesting against the passage of House bill 10022 and Senate bill 2806, which would modify the pure food and drugs act; to the Committee on Agriculture.

7742. By Mr. GARBER: Petition of J. E. Stiles, president Minnesota Retail Jewelers Association, New Richland, Minn., in support of Capper-Kelly bill; to the Committee on Labor.

7743. Also, petition of Dr. L. L. DeLano, in opposition to the passage of House bill 12947 and Senate bill 3936; to the Committee on the District of Columbia.

7744. Also, petition of Oklahoma Press Association, Norman, Okla., in support of Oddie bill in regard to stamped envelopes; to the Committee on the Post Office and Post Roads.

7745. By Mr. O'CONNELL: Petition of Baugh & Sons, Baltimore, Md., opposing the Muscle Shoals bill as agreed by the conferees; to the Committee on Military Affairs.

7746. Also, petition of the National Fertilizer Association, Washington, D. C., opposing the report of the conferees on the Muscle Shoals bill; to the Committee on Military Affairs.

7747. Also, petition of the National League of District Postmasters of the United States, Washington, D. C., favoring the passage of House bill 7900 for fourth-class postmasters and to override the President's veto; to the Committee on the Post Office and Post Roads.

7748. Also, petition of the Federal Grand Jury Association, New York City, N. Y., opposing the passage of the Senate bill purporting to take from the Federal judges their ancient power freely to comment upon the evidence in trials by jury; to the Committee on the Judiciary.

SENATE

WEDNESDAY, May 23, 1928

(Legislative day of Thursday, May 3, 1928)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the President of the United States.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that on May 22, 1928, the President approved and signed the following bills and joint resolution: