the operation of the Muscle Shoals fertilizer plants. There will be found in section 5, paragraph (e) this provision:

The board shall manufacture 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.

There is no requirement in the conference report that the public corporation to be created shall operate at any time nitrate plant No. 2 at Muscle Shoals. The option is given to it either to operate the present plants or to build plants for the production of atmospheric nitrogen by new and different processes. I think the argument made by the Senator from Nebraska at the present session of the Senate can not be refuted when he told us that plant No. 2, adapted to the cyanamide process, is now out of date; and that if the production of atmospheric nitrogen were to be undertaken by business men who knew the job, it would be produced under the synthetic process.

In the conference report the option is given either to run the existing plants or to build new plants for the production of nitrogen by the synthetic process. Every scientist who has come before the committee in whose judgment credence could be placed has said without equivocation that the nitrogen of the future would be made under the synthetic process; and under this joint resolution I venture the prediction that it will all be made in that way, and that plant No. 2 and plant No. 1 and all the plants to-day at Muscle Shoals for nitrogen production will lie idle, because no business organization would feel, unless required by substantive law, that it was right for it to spend the millions that will be necessary to rehabilitate those plants and put them in operation for the manufacture of nitrogen that could be used satisfactorily in fertilizer.

Furthermore, I want to say to the Senators from Alabama that one of the great hopes of the people near Muscle Shoals, as told to me in conversations, was that a great industrial community might rise in that neighborhood; but under the joint resolution as now framed by the conferees, which requires the electricity to be produced there to be distributed equally among the States and to be sold first to municipalities and counties and aggregations of individuals in cooperative enterprises, there will be almost no chance of building up an industrial community to be served by the great power plants of Muscle Shoals which could furnish power to run the mills that might employ the citizens of that district. That is something that will be heard from in the future, if it is not heard to-day.

There are many reasons why this conference report will not serve the best interests of the growing industrial section of the South. If the Government is going to make electricity cheaper than the price for which distributed to-day, there will be required additional drains upon the Treasury of the United States, for the reason that the cost of production in the Muscle Shoals plant can not be materially less than the cost of production in any competing plants. The only way in which a saving can come to the people of the country must be from the cost of distribution. If the cost of distribution is too high, it can be met by competition in the cost of distribution from any steam plant built at any crossroads in the great industrial centers of the South.

There is an opportunity in that direction alone materially to reduce the cost of electricity to the people of that section. That can be done without the Government operating Muscle Shoals or Cove Creek Dam or tying up industrially in public ownership every dam that lies between Cove Creek and Muscle Shoals, and compelling private initiative to work between the jaws of the great Government juggernaut which this joint resolution builds against the development of that Valley.

I have spoken as I have in the hope that it will cause some of the Senators more carefully to read the provisions of the conference report, and to realize that we are embarking upon a new scheme of Government ownership and operation of public utilities to which this country has not been accustomed and which does not, in truth, hold out to the people of any section the promise that they will be benefited. It does encourage a fear in the people of the country as a whole that this dip into the Treasury of the United States must be reflected in the taxes of every man, woman, and child.

Mr. President, I do not speak in behalf of any power interest or in behalf of any fertilizer interest. I have not seen a single man connected with either of those industries. I simply read the provisions of the joint resolution as presented in the conference report and judge it by the experience I have had in examining and hearing examined the witnesses who have appeared before the Senate committee in exposition of this subject and to set forth their views.

I see the force of many arguments which have been made; I have tried to treat this as a great governmental question, with a view of determining in my own mind whether it would be wise for the Government to go into the business to the extent of some $60,000,000 in addition to what we have already spent at Muscle Shoals in time of emergency incident to the war, or whether we shall with good foresight turn Muscle Shoals over to the individual who will pay the highest for the privilege of using the power plants at Muscle Shoals. We can employ the money which thus accrues to the Government to develop a new chemical industry in the production of concentrated fertilizer, which holds out the only hope of increased crops and cheaper production to the farmers of the United States.

Mr. President, I am ready now to close. I hope I have not taken more time than a pure exposition of the joint resolution would warrant; but I hope that the Senate will realize before it acts that it has before it a novel proposal which has only been on the desk since 12 o'clock to-day and of which the country has not as yet heard.

[TO BE CONTINUED]

HOUSE OF REPRESENTATIVES

THURSDAY, *May 24, 1928*

The House met at 12 o'clock noon.

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

Out of the dark of the night have come the radiance and the promise of the day. We praise Thee, O Lord, for Thou art the source of all our earthly hopes. Thy plans unfold like the springtime blossoms that reveal hidden beauty and wonder. Hold us to patient service, so that conscience may never censure. As we look up, aspire, and resolve, let us count it grandly true that these are not in vain. They lift us up from the maze of just things, and from where the throng is not dense and the touch is not rough. Come, Father of love, to all our homes, and keep them in tune with the things that are divinely beautiful. Then shall we come and go like happy children playing among the flowers. Bless us with a living, glowing joy that shall never fade away. Through Jesus Christ our Lord. Amen.

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

MESSAGE FROM THE SENATE

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

H. R. 1406. An act granting six months' pay to Lucy B. Knox;
H. R. 1616. An act for the relief of Carl C. Back;
H. R. 1931. An act for the relief of Daniel Mangan;
H. R. 2272. An act for the relief of William Morin;
H. R. 2472. An act for the relief of Emile Genireux;
H. R. 2477. An act for the relief of Joseph S. Carroll;
H. R. 2494. An act granting six months' pay to Vincentia V. Irwin;
H. R. 3971. An act for the relief of the owners of the schooner *William Melbourne;*
H. R. 4652. An act for the relief of Charlie R. Pate;
H. R. 4926. An act for the relief of the Pocahontas Fuel Co. (Inc.);
H. R. 4954. An act for the relief of Thomas Purdell;
H. R. 5910. An act for the relief of Ralph Ole Wright and Varina Belle Wright;
H. R. 6049. An act to amend an act to authorize the Secretary of War and the Secretary of the Navy to make certain disposition of condemned ordnance, guns, projectiles, and other condemned material in their respective departments;
H. R. 7268. An act for the relief of John Hervey;
H. R. 7708. An act for the relief of John M. Brown;
H. R. 8742. An act to authorize the Secretary of War to convey to the city of Baton Rouge, La., a portion of the Baton Rouge National Cemetery for use as a public street;
H. R. 9380. An act for the relief of Frank E. Shults;
H. R. 10649. An act providing for the transfer of a portion of the military reservation known as Camp Sherman, Ohio, to the Department of Justice;
H. R. 10702. An act for the relief of Elbert L. Cox;
H. R. 11471. An act extending the time of construction payments on the Rio Grande Federal irrigation project, New Mexico-Texas;

H. R. 11917. An act granting the consent of Congress to the county of Cook, State of Illinois, to widen, maintain, and operate the existing bridge across the Little Calumet River in Cook County, State of Illinois;

H. R. 11950. An act to legalize a pier and wharf in Deer Island thoroughfare on the notherly side at the southeast end of Buckmaster Neck at the town of Stonington, Me.;

H. R. 11980. An act granting the consent of Congress to the Fisher Lumber Corporation to construct, maintain, and operate a railroad bridge across the Tensas River in Louisiana;

H. R. 12031. An act to extend the time for commencing and completing the construction of a bridge across the Rio Grande at or near a point two miles south of the town of Tornillo, Tex.;

H. R. 12038. An act to authorize the acquisition of certain patented land adjoining the Yosemite National Park boundary by exchange, and for other purposes;

H. R. 12063. An act for the relief of the widow of Surg. Mervin W. Glover, United States Public Health Service, deceased;

H. R. 12100. An act to amend the act entitled "An act granting the consent of Congress to the Gateway Bridge Co. for construction of a bridge across the Rio Grande between Brownsville, Tex., and Matamoros, Mexico," approved February 26, 1926;

H. R. 12235. An act authorizing B. F. Peek, G. A. Shallberg, and C. L. Josephson, of Moline, Ill.; J. W. Bettendorf, A. J. Russell, and J. L. Hecht, of Bettendorf and Davenport, Iowa, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River, at or near Tenth Street in Bettendorf, State of Iowa;

H. R. 12571. 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 Iuka, Ky.;

H. R. 12623. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a free highway bridge across the Sabine River, at or near Starks, La.;

H. R. 12624. An act to amend section 17 of the act of June 10, 1922, entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," as amended;

H. R. 12694. An act authorizing the Secretary of the Navy to provide an escort for the bodies of deceased officers, enlisted men, and nurses;

H. R. 12706. An act for the relief of the town of Springdale, Utah;

H. R. 12806. An act authorizing J. H. Harvell, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across New River at or near McCreery, Raleigh County, W. Va.;

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. 12913. An act to extend the times for commencing and completing the construction of a bridge across the Allegheny River at or near the borough of Eldred, McKean County, Pa.;

H. R. 12953. An act to authorize the Board of Managers of the National Home for Disabled Volunteer Soldiers to accept title to the State camp for veterans at Bath, N. Y.;

H. R. 13069. An act granting the consent of Congress to the State of Minnesota to construct, maintain, and operate a free highway bridge across the Mississippi River at or near Aitkin, Minn.;

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. 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. J. Res. 47. Joint resolution for the relief of Mary M. Tilghman, former widow of Sergt. Frederick Coleman, deceased, United States Marine Corps;

H. J. Res. 77. Joint resolution 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; and

H. J. Res. 292. Joint resolution authorizing the President to invite the States of the Union and foreign countries to participate in the International Petroleum Exposition at Tulsa, Okla., to begin October 20, 1928.

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

S. 1142. An act amending the act of January 25, 1917 (39 Stat. L. 868), and other acts relating to the Yuma auxiliary project, Arizona;

S. 1547. An act for the relief of Johns-Manville Corporation;

S. 1831. An act to authorize the President to class as secret certain material, apparatus, or equipment for military and naval use, and for other purposes;

S. 1958. An act for the relief of William J. Cocke;

S. 2462. An act for the relief of John F. Walker;

S. 2505. An act granting increase of pensions under the general law to soldiers and sailors of the Regular Army and Navy and their dependents, for disability incurred in service in line of duty, and authorizing that the records of the War and Navy Departments be accepted as to incurrence of a disability in service in line of duty;

S. 2519. An act for the relief of Robert W. Miller;

S. 2751. An act to amend section 213, act of March 4, 1909 (Criminal Code, title 18, sec. 336, U. S. C.), affixing penalties for use of mails in connection with fraudulent devices and lottery paraphernalia;

S. 2989. An act for the relief of John B. Moss;

S. 3088. An act for the relief of Donald M. Davidson;

S. 3136. An act creating the Roswell land district, establishing a land office at Roswell, N. Mex., and for other purposes;

S. 3258. An act to amend section 300 of the World War veterans' act, 1924, as amended;

S. 3453. An act to confer jurisdiction upon the Court of Claims to hear and determine the claim of Clara Percy;

S. 3484. An act for the conservation of rainfall in the United States;

S. 3569. An act to equalize the pay of certain classes of officers of the Regular Army;

S. 3632. An act for the relief of Commodore J. M. Moore, United States Coast Guard, retired;

S. 3637. An act to provide Federal cooperation with the States in devising means to protect valuable shore lands from damaging erosions, and for other purposes;

S. 3736. An act for the relief of soldiers who were discharged from the Army during the World War because of misrepresentation of age;

S. 4315. An act authorizing and directing the Secretary of War to sell 3,304.8 square feet of the Fort Brown Military Reservation, Brownsville, Tex., to the Gateway Bridge Co.;

S. 4376. An act for the relief of Harry M. King;

S. 4385. An act to establish the Teton National Park in the State of South Dakota, and for other purposes;

S. 4450. An act authorizing the Ripley Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Ripley, Ohio;

S. 4451. An act to amend the act entitled "An act authorizing Roy Clippinger, Ulys Pyle, Edgar Leathers, Groves K. Flescher, Carmen Flescher, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Wabash River at or near McGregors Ferry in White County, Ill.," approved May 1, 1928;

S. 4456. An act granting the consent of Congress to the boards of county commissioners of the counties of Escambia and Santa Rosa, in the State of Florida, to construct, maintain, and operate a free bridge across Santa Rosa Sound in the State of Florida;

S. 4457. An act 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.;

S. 4461. An act to provide for the policing of military roads leading out of the District of Columbia;

S. 4474. An act 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.;

S. 4487. An act 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.;

S. 4504. An act granting the consent of Congress to the State of Arkansas, through its State highway department, to construct, maintain, and operate a toll bridge across White River at or near Augusta, Ark.;

S. J. Res. 80. Joint resolution authorizing an appropriation for bank protection for the control of floods and the prevention of erosion of the Missouri River;

S. J. Res. 91. Joint resolution authorizing an appropriation for bank protection for the control of floods and the prevention of erosion of the Missouri River at or near the town of Yankton, in the State of South Dakota; and

S. J. Res. 161. Joint resolution 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.

The message further announced that the Senate agrees to the amendment of the House of Representatives to the bill S. 3593, entitled "An act to authorize the leasing or sale of lands reserved for agency, schools, and other purposes on the Fort Peck Indian Reservation, Mont.

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

H. R. 6685. An act to regulate the employment of minors within the District of Columbia;

H. R. 6687. An act to change the title of the United States Court of Customs Appeals, and for other purposes;

H. R. 9194. An act 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;

H. R. 10869. An act amending section 764 of Subchapter XII, fraternal beneficial associations, of the Code of Law for the District of Columbia;

H. R. 12877. An act authorizing the Los Olmos International Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande River at or near Weslaco, Tex.;

H. R. 13383. An act to provide for a five-year construction and maintenance program for the United States Bureau of Fisheries; and

H. R. 13563. An act 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.

ADJUSTMENT OF THE NORTHERN PACIFIC LAND GRANTS

Mr. SINNOTT. Mr. Speaker, by direction of the Committee on Public Lands I ask unanimous consent for the present consideration of the joint resolution (H. J. Res. 318) amending the joint resolution entitled "Joint resolution directing the Secretary of the Interior to withhold his approval of the adjustment of the Northern Pacific land grants, and for other purposes," approved June 5, 1924 (43 Stat. 461), as amended by the joint resolution approved March 3, 1927 (44 Stat. 1405).

The Clerk read the joint resolution, as follows:

Resolved, etc., That the joint resolution entitled "Joint resolution directing the Secretary of the Interior to withhold his approval of the adjustment of the Northern Pacific land grants, and for other purposes," approved June 5, 1924, as amended by joint resolution approved March 3, 1927, be, and the same is hereby, amended as follows:

"That wherein said joint resolution approved June 5, 1924, as amended by the said joint resolution approved March 3, 1927, there appears the word and figures June 1, 1928, the same shall be amended to read June 30, 1929."

SEC. 2. That the joint committee provided for in the above resolution approved June 5, 1924, shall have leave to report at any time by bill or otherwise.

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

There was no objection.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

LETTER FROM NATIONAL AUTOMOBILE CHAMBER OF COMMERCE

Mr. DICKINSON of Missouri. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a letter from the National Automobile Chamber of Commerce, by its president, Roy D. Chapin, calling upon the car manufacturers to fulfill signed pledge to reduce delivered price of motor vehicles by amount of tax, if proposed repeal measure is passed, as contained in the revenue bill; in other words, to strike the tax from the delivered price of all motor cars sold.

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

There was no objection.

The letter is as follows:

NATIONAL AUTOMOBILE CHAMBER OF COMMERCE,
New York, May 1, 1928.

PRESIDENT CHAPIN CALLS UPON CAR MANUFACTURERS TO FULFILL PLEDGE TO REDUCE DELIVERED PRICE OF MOTOR VEHICLES BY AMOUNT OF TAX IF PROPOSED REPEAL MEASURE IS PASSED

To Members:

1. By unanimous vote the members of the Senate Finance Committee have recommended repeal of the motor excise taxes. It is hoped the measure will be passed upon by the Senate within the next 10 days

2. During the discussion which preceded the committee vote, the charge was made by Undersecretary of the Treasury Ogden Mills that the industry would absorb the tax reduction and that the consumers would not receive any benefit in the form of a lowered delivered price for cars or busses.

3. Answering this statement before the committee, the undersigned, speaking as president of the National Automobile Chamber of Commerce, said: "I wish to reiterate the signed pledge of the entire motor industry that if this tax is repealed it will immediately be deducted from the delivered price of all motor cars."

4. The pledge referred to was made in the form of individual letters signed by the presidents of all the motor-car manufacturing companies of the United States. These letters were filed with the Ways and Means Committee of the House and are a matter of public record.

5. The Finance Committee accepted my statement, as is demonstrated by its vote.

6. This bulletin is sent you as a reminder of your obligation (your letter filed with committee) and with the request that, immediately upon word that the tax has been repealed, you notify all your representatives to strike the tax from the delivered price of all cars sold.

NATIONAL AUTOMOBILE CHAMBER OF COMMERCE,
ROY D. CHAPIN, *President.*
H. H. RICE (*General Motors*), *Chairman,*
A. R. ERSKINE (*Studebaker*),
GEORGE M. GRAHAM (*Willys-Overland*),
F. J. HAYNES (*Dodge Bros.*),
ALVAN MACAULEY (*Packard*),
PYKE JOHNSON, *Secretary,*
Taxation Committee.

CONSTRUCTION AT MILITARY POSTS

Mr. JAMES. Mr. Speaker, I call up the conference report on the bill (H. R. 11134) to authorize appropriations for construction at military posts, and for other purposes.

The Clerk read the conference report.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 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, and 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, D. C.: 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 Kamehameha 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.

JOHN M. MORIN,
W. FRANK JAMES,
JOHN J. MCSWAIN,
Managers on the part of the House.

DAVID A. REED,
FRANK L. GREENE,
DUNCAN U. FLETCHER,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11134) to authorize appropriations for construction at military posts, and for other purposes, submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

On No. 1: Strikes out the total carried in the bill and substitutes the total brought about by the changes agreed to by the conference committee.

On No. 2: This amendment provides for officers' quarters and noncommissioned officers' quarters at Fort Douglas, Utah, in the amounts of $75,000 and $54,000, respectively.

On No. 3: This amendment adds an additional $48,000 to the bill for the construction of noncommissioned officers' quarters at Camp McClellan, Ala.

On No. 4: This amendment merely changes the total authorized for officers' quarters at Selfridge Field, Mich., so that $250,000 will be authorized for barracks and $50,000 for completion of the hospital.

On No. 5: This amendment provides an authorization for $126,334 to complete the new cadet mess hall, etc., at West Point. This authorization was passed by the House in H. R. 11623 on May 16, 1928.

On amendment No. 6: This amendment brings into H. R. 11134 the provisions of H. R. 12688, which passed the House on April 16, 1928. It provides for the construction of technical buildings and utilities required for the development of the five-year Air Corps program.

On amendment No. 7: This amendment brings into H. R. 11134 the provisions of H. R. 11847, which passed the House on May 12, 1928. It provides for the acquisition of portions of the Queen Emma and Damon estates and a portion of the Halawa district in the vicinity of Fort Kamehameha, Hawaii.

As agreed to by the conference committee the measure contains a total authorization of $20,912,784, made up of $13,268,284 in the provisions of H. R. 11134 proper, $6,499,500 in H. R. 12688, made a part of H. R. 11134, and $1,145,000 in H. R. 11847, made a part of H. R. 11134.

JOHN M. MORIN,
W. FRANK JAMES,
JOHN J. MCSWAIN,
Managers on the part of the House.

Mr. BYRNS. Mr. Speaker, may I ask the gentleman if this is a unanimous report of the conferees?

Mr. JAMES. Yes.

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

The conference report was agreed to.

LOAN OF AERONAUTICAL EQUIPMENT

Mr. JAMES. Mr. Speaker, I call up the conference report on the bill (S. 1822) to authorize the Secretary of War to transfer or loan aeronautical equipment to museums and educational institutions.

The Clerk read the conference report.

The conference report and accompanying statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill S. 1822 having met, after full and free conference have agreed to recommend and do recommend to their respective House as follows:

Amendment numbered 1: That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same.

W. FRANK JAMES,
J. MAYHEW WAINWRIGHT,
JOHN J. MCSWAIN,
Managers on the part of the House.

DAVID A. REED,
HIRAM BINGHAM,
DUNCAN U. FLETCHER,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill S. 1822, an act to authorize the Secretary of War to transfer or loan aeronautical equipment to museums and educational institutions, submit the following written statement explaining the effect of the action agreed on by the con-

ference committee and submitted in the accompanying conference report:

There was but one amendment in disagreement, that of the House to the Senate measure, striking out the word "delivery" and inserting the words "transfer or loan," in the proviso protecting the Government from loss, so that the proviso as agreed to by the conference committee will read: "*Provided further*, That no expense shall be caused the United States Government by the transfer or loan or return of said property."

W. FRANK JAMES,
J. MAYHEW WAINWRIGHT,
JOHN J. MCSWAIN,
Managers on the part of the House.

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

The conference report was agreed to.

COL. WILLIAM L. MARLIN AND THE VETERANS' BUREAU

Mr. THOMPSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the subject of legislation with respect to the Veterans' Bureau.

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

There was no objection.

Mr. THOMPSON. Mr. Speaker, I wish to rise, as it were, to a question of personal privilege. In dealing with the Cleveland Veterans' Bureau, of which Col. William L. Marlin is regional manager, I have had considerable trouble during my terms in Congress. I have had numerous cases in the past 10 years and I have always endeavored to be kindly and sympathetic with the ex-service man when he applied to me for help, but at no time did I go outside of my office to solicit veterans. All the cases that have come to me, and they have been numerous, have come voluntarily. I did the best I could for them.

The Julius C. Rothman case, C-641456, of which Dr. C. O. Beardsley, the commander of the American Legion Post of Ottawa, Ohio, had a statement of protest in the CONGRESSIONAL RECORD on December 15, 1926; the Clarence R. Kaser case, C-157888, of Edgerton, Ohio, with whom I have had dealings for many years and who has been subjected to a set of snoopers; the Herman J. Kraegel case of Holgate, Ohio, C-465051; the Raymond C. Giesige case, C-145872; the S. J. Joost case, of Holgate, Ohio, and numerous other cases which I could mention, form a list of indictments against the official record of the Veterans' Bureau at Cleveland under the management of Col. William L. Marlin.

These men had appealed to me for relief and some were not receiving anything from a supposedly grateful Government. They had used every resource at their command to receive recognition from the bureau at Cleveland and in each instance had been turned down as not eligible for compensation. These veterans and many others came to me personally to ask for assistance in securing compensation for the injuries they had suffered during the late war. After careful investigation I found every case worthy of the best the Government has to give to wounded and disabled men, and carefully brought all facts in these cases to the authorities of the Veterans' Bureau at Cleveland, which owes its existence to the needs of these men and not to the needs of arbitrary and ambitious officers of the regional office at Cleveland.

I worked patiently for several years without result in some of the most worthy cases, and fully believing these cases to come within the law, I became aggressive and made insistent demands on the regional manager at Cleveland to give these men, not charity, but such compensation as they are entitled to under the laws passed from time to time by Congress. This action on my part seems to have aroused the ire of William L. Marlin and he has shown this to me repeatedly in discourteous and curt letters of refusal to grant my pleas. I now have the proof. I have received the pronounced enmity and open hostility of the regional manager at Cleveland in my efforts on behalf of these men, which I consider part of my duty as their Representative in Congress. Personally I have nothing to gain, but I do have the greatest sympathy for these veterans and their families and have cast my vote in this House time and time again for appropriations vast enough to cover the needs of every veteran for disabilities received in the line of duty.

Just why officials in charge of the regional offices make special efforts to deny these men compensation is hard to understand. They make the burden of proof on these soldiers beyond all reason, and in many cases badly disabled men are unable to receive any measure of relief for the reason that they can not assemble proof demanded. The veteran himself may be living proof, physically and mentally, of the ills he has suffered and yet on some trivial technicality he is denied every right that the Government wants him to have.

I think it is time some of these officials were called upon for an accounting. After all proof has been produced and accepted the veterans are subject to call for physical examination at any time, always with the view of having their compensation cut down, rather than increased. If veterans are too ill or too badly disabled to appear when called, nurses or snoopers are sent to the veterans' places of residence at Government expense, and following these visits, many times, compensation is arbitrarily cut down or off. I frequently fight for recognition of cases of this kind where I know the veterans to be worthy of every cent they get from the Government.

Persons who uphold the actions of regional officials will point out the many splendid hospitals and homes that this Government has established in an effort to do justice to ex-service men. This is all true, and it would seem that every soldier who fought under the Stars and Stripes who is now disabled and unable to compete in the duties of the world, should have every possible care; however, if this matter is carefully gone into, it will be discovered that these spacious institutions seem to be more in the interest of officials and attendants in charge than for the common soldier. I have repeatedly had veterans tell me they would rather die than to be returned to these places for physical examination and so-called "treatment."

If, for these reasons, Mr. Marlin chooses to oppose me for Congress and possibly retire me from Congress, I am willing to meet the issue, but not until the truth is known about his official acts.

Finally, I wish to protest against this man's pernicious political activity. He has gone so far as to stir up strife at my home town of Defiance by the removal of a captain of a company of the Ohio National Guard over which he is a colonel, a year or two ago, because the captain would not bow the knee to this dictatorial Colonel Marlin in his treatment of ex-service men of my vicinity.

He entered the local American Legion camp at Defiance one day when there was not a quorum present, and had a resolution passed indorsing his action on a certain case in which I had been active.

He has threatened to put a force of men in the coming campaign for the nomination to defeat me at the primary in August. He has an ex-service man as a candidate for nomination now, although he may deny it. It is nothing for him to misrepresent to his superior officers of the Veterans' Bureau concerning his political activities. I felt this activity in the last campaign and knew something was wrong, but I did not suppose that a man under civil service and a regional manager of a Veterans' Bureau office would stoop to seek to defeat a Member of Congress for being loyal, as he sees it, to the ex-service men who so badly need attention.

He has now embarked on the political seas of activity, regardless of his civil service status, and if he defeats me for the nomination, it can be attributed largely to the arbitrary methods and militaristic rule of the regional office at Cleveland. The employees are all supposed to do his will and execute his orders. He is a colonel and his orders must be obeyed, and he does not seem to have much sympathy for ex-service men or civilians, or even Congressmen. I understand he made the boast once upon a time that letters from Senators or Congressmen did not receive any special favor from him, that it was just as well for a veteran not to have senatorial or congressional influence behind him.

Since when has the regional manager at Cleveland become so mighty that he can afford to build up a political machine in his district with his army of employees, not only to defeat Congressmen whom he dislikes but also to show ex-service men in his district that he is "the boss" and that they have no claims which he is bound to consider. He is arbitrary, dictatorial, dangerous, and unsympathetic. When the United States Veterans' Bureau was decentralized I voted for such action, deferring to the wishes and arguments of the American Legion somewhat against my better judgment. I doubted at the time that it was a wise move, and I am forced to say that subsequent events have not proved to me that I was wrong.

Before there was one fountainhead of administration and action; after there was established many and various branch offices, appeal boards, and so forth, throughout the country, each with its quota of authority and power. It became extremely difficult to force an issue at any one place on any one claim or to follow a case through the channels and find out exactly where there was any distinct authority to hand out swift justice.

After decentralization in line with a desire for economical administration—which was possibly brought about by the greatly increased overhead expense of the added regional of-

fices—a strict policy came into existence which, in particular claims that came to my attention, seemed to me and to others also to work injustice. I naturally took up the cudgels vigorously in behalf of these cases at the regional office concerned—which in my district is the regional office at Cleveland, Ohio, presided over by Col. William L. Marlin. Very often I took Colonel Marlin to task severely in my letters on particular cases. I have no apologies to offer for that. There were no personalities considered in my actions but only a desire for the cutting of red tape and the quick relief of claimants who deserved same.

Now, as an example of one weakness of the regional system, I call attention to the fact that Colonel Marlin, regional manager at Cleveland, Ohio, became personally affronted at my efforts, conceived a personal dislike for me, and as a result, according to certain evidence I possess it is actually a handicap to an ex-soldier's claim now if I intervene in his behalf. It is certainly no help to him. Time and again word has come back to me of constituents of mine who have apparently been received with less courtesy when the regional office at Cleveland learned I was interested in the case.

Mr. Speaker, I have a case just in Washington now on appeal, Henry J. Schuette, C-280-132, Defiance, Ohio. It has gotten nowhere in Chicago or Cleveland. One of the officials of the Veterans' Bureau here in Washington, after looking at the "dummy" file of records on the case kept here, said he thought the case on appeal would receive the award contended for, on the basis of facts before him.

Other cases I can mention, that have dragged out and delayed and received no substantial action until the time and trouble was taken to bring them here to Washington on appeal. To be specific, I refer to one Clarence R. Kaser, C-1157888, Edgerton, Ohio. I have been active in this case for years, and just within a few months it had to be brought to Washington to the director to save the boy's compensation and attendant allowance.

Mr. Speaker, I mention these cases—and I can mention others—simply to show the trouble, delay, and inconvenience—yes, and suffering, that can be caused, apparently in the regular routine of business, in one of these regional offices. And I submit, Mr. Speaker, that any officer who makes it difficult for these ex-service men in connection with their cases, simply because they are represented by a man personally disliked by that officer, is unworthy of his position.

Another thing about establishment of these regional offices. It brings the various managers in closer contact with the people—the area in which they work is restricted, and consequently an alluring field is opened for political activity. Regional managers are under civil service and supposed to be outside politics. But here, again, the weakness of the system is shown. In addition to the activities relative to veterans' claims, which I have shown above, as a result of incurring the personal dislike of the regional manager by calling him to task, I have been made the target of adverse political activity. The regional manager, being a military man and a leader in the National Guard of Ohio, has, through his officers and other connections in my district, fostered a good deal of enmity toward me politically among the very class I have supported—the veteran class. Two years ago many of his subordinates, who had always been my supporters, were against me. For the coming campaign he is alleged to have persuaded an ex-soldier to oppose me in the primary. To certain people he has made statements—not knowing they were my friends—that he would use every effort to defeat me in the primary; and if I were successful then, would redouble his efforts in the general election.

Thus does a regional manager of the United States Veterans' Bureau, under civil service, seek to intimidate a Member of Congress and defeat a Member of Congress who has dared to call him to task in line of duty and with reference to the regional manager's duty. Thus, also, does he play loosely with the claims of innocent veterans who dare to seek my aid in prosecution of their claims.

Mr. Speaker, since so much evidence of discrimination in veterans' cases and undue political activity directed at Members of Congress is being accumulated in my files against the regional manager at Cleveland, Ohio, I desire to state that during the summer I intend to brief this evidence for the consideration of Congress at the next session and then request, by resolution, an investigation of this situation by a special committee of the House appointed for this purpose.

IMMIGRATION VISAS

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the joint resolution (S. J. Res. 5) to grant a preference to the wives and minor children of alien declarants in the issuance of immigration visas, with House amendments, insist on the House amendments, and agree to the conference asked by the Senate.

Mr. SNELL. Is that the resolution we passed here just the other day?

Mr. JOHNSON of Washington. Yes; it was passed without a roll call.

The SPEAKER. The gentleman from Washington asks unanimous consent to take from the Speaker's table the joint resolution (S. J. Res. 5), with House amendments, insist on the House amendments, and agree to the conference asked. Is there objection? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. JOHNSON of Washington, JENKINS, and BOX.

PENSION BILL

Mr. KNUTSON. Mr. Speaker, I call up the conference report on the bill (H. R. 12381) granting pensions and increase of pensions for certain soldiers and sailors of the Regular Army and Navy, their widows, etc., and ask unanimous consent that the statement may be read in lieu of the report.

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

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. 12381) granting pensions and increase of pensions for certain soldiers and sailors of the Regular Army and Navy, their widows, and so forth, 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, and 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 there 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.

HAROLD KNUTSON,
J. M. ROBSION,
JNO. W. MOORE,
Managers on the part of the House.
PETER NORBECK,
HENRIK SHIPSTEAD,
DANIEL F. STECK,
Managers on the part of the Senate.

STATEMENT

The managers on part of the House on H. R. 12381 show by way of explanation that 132 House bills were included in said 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 Senate amendment contained the names of 27 beneficiaries. The House disagreed with the Senate on 28 items and made 14 corrections as amendments.

The Senate took exception to 21 of the 132 House bills and agreed to the retention of 7 of them.

HAROLD KNUTSON,
J. M. ROBSION,
JNO. W. MOORE,
Managers on the part of the House.

The conference report was agreed to.

FARM RELIEF

Mr. GREENWOOD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on farm relief.

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

There was no objection.

Mr. GREENWOOD. Mr. Speaker, equality and justice are basic elements of democratic government. American representative democracy especially exalts these two vital principles. The Declaration of Independence emphasizes the equality of men and the Constitution asserts in its preamble that our laws are designed to promote justice.

We presume these fundamental principles maintain between groups and industries as well as between individuals. Government therefore should be the equal servant of all. Uncle Sam should play no favorites.

In times of great necessity industry and business have many times come to the Federal Government for special consideration. The infant industries were among the first to ask protection. The taxing power of the Federal Government was appropriated to levy tariffs, not for revenue but to create a barrier against foreign merchandise. Industries are no longer infants but they still claim protection as a fixed, vested policy.

The railroads, feeling the need for governmental aid and observing how manufacturing was being favored, also claimed kindred in the family of Uncle Sam and had their claims allowed. They are now operating under rates that guarantee them a fixed earning. Transportation is a prosperous child of government, coming under the commerce clause of the Constitution. They have the special privilege of a commission to fix rates and the benefits of a revolving fund to stabilize earnings. With this as a precedent no one should become overagitated if agriculture asks to use the same commerce clause and a revolving fund to control the exportable surplus of farm products, all of which must enter the channels of commerce for disposition.

Again, observe how the public utilities are the child of the State and have their earnings guaranteed, often on inflated valuations.

Labor being able to organize and act collectively has impressed the Congress with its demands. Hours have been reduced to 8 per day with a 48-hour week, while the farmer still labors 72. Compensation laws to cover injuries and legislative machinery to settle disputes between employer and employees have been provided. Congress is also being asked to legislate to curb the courts in the arbitrary use of injunctions in labor disputes. This reform will likely be accomplished. Then labor will no longer be denied a trial by jury. As a Representative who believes in helping the workingman, I was glad to support the laws restricting immigration. The American workingman should be protected from the competition of foreign, cheap, and unskilled labor.

All of these instances but emphasize the many groups and industries that have come with petitioning hands to Congress and have been graciously received. The farmer observes these acts of parental love, and as a child of government feels that he has been crowded out of the family circle. He has worked longer and harder than any of his brothers and has received the smallest portion of the income. While prosperity prevails in industry, with stocks and bonds ever soaring higher and higher, farm values are shrinking and agriculture is in bankruptcy.

Does anyone doubt there is a farm problem?

In the year 1910 mortgage indebtedness on farm lands totaled $3,500,000,000, and in 1920 it had increased to $12,450,000,000, and now it is even greater. During the period since 1920, while other values were growing, farm lands shrank from $63,000,000,000 to less than $45,000,000,000, the most enormous loss ever sustained by any group. During this period of depression, caused mainly by a vicious deflation policy adopted by the Federal reserve banking system, credits were curtailed and foreclosures increased as never before. There have been 171,000 farms sold at forced sale, and bank failures are totaled at 3,941. It is estimated that almost 1,000,000 people have been forced to leave the farms because of these sales and failures. The depletion of the farms, with an exodus of the people to the industrial centers, constitutes our greatest and most menacing problem. Already more than 50 per cent of our population live in cities and towns under conditions that neither improve their health, their happiness, nor their morals.

Farming is our biggest business. It is the most important. Life itself depends upon the production of food and clothing. The disadvantage of low prices of farm products and the low comparative value of the farmer's dollar arises from the disparity of the farmer in relation to these other favored groups. These are able to control prices on their products. A table inserted herein and comment thereon shows how the farmer is mulcted out of wealth by exorbitant tariff rates which are built to rob the consumer and favor the manufacturer.

It has always been emphatically declared by some political economists that high protective tariff schedules spell prosperity. It is time for the farmer to come out of this deceptive delusion. For his benefit let him study this table, compiled by the Agricultural Department, as to the comparative purchasing power of the farmer's dollars for the last 35 years and keep in mind which party was in power. The years and figures are from the department and the insertion of the party are my own. This table places political responsibility by administrations. It clearly demonstrates that agriculture is much the better off under a low, or Democratic, tariff:

	Cents		Cents
Republican Party:		Republican Party:	
1890	83	1908	93
1891	89	1909	100
1892	87	1910	96
Democratic Party:		1911	97
1893	87	1912	101
1894	85	Democratic Party:	
1895	85	1913	100
1896	81	1914	105
Republican Party:		1915	103
1897	86	1916	97
1898	88	1917	107
1899	83	1918	112
1900	86	1919	112
1901	92	1920	96
1902	95	Republican Party:	
1903	88	1921	84
1904	93	1922	89
1905	90	1923	61.3
1906	88	1924	62.4
1907	90	1925	60.3

I have no desire to discuss the theory of the tariff. Suffice to say that I am not a free trader, neither do I believe in using the taxing power of the Federal Government as means of robbery of the many for the benefit of the few. I do not care to talk about the ancient doctrine of infant industries that do not now exist. Nor to refute the argument about tariff for the benefit of labor, when the return goes into the pocket of the capitalist, who never renders an accounting to labor for this legislative trust fund. I merely want to show the farmer he is worse off under a high than under a low tariff, and for this purpose I am inserting another table showing relative costs of necessary articles on the farm, and how much more he is expected to pay now with a cheap farm dollar than he did in 1 under a Democratic administration, when his dollar, as shown by the former table, was worth a dollar and more:

Implements	1914	1928
Hand corn sheller	$8.00	$17.50
Walking cultivator	18.00	38.00
Riding cultivator	25.00	62.00
1-row lister	36.00	89.50
Sulky plow	40.00	75.00
3-section harrow	18.00	41.00
Corn planter	50.00	83.50
Mowing machine	45.00	95.00
Self-dump hayrake	28.00	55.00
Wagon box	16.00	36.00
Farm wagon	85.00	150.00
Grain drill	85.00	165.00
2-row stalk cutter	45.00	110.00
Grain binder	150.00	225.00
2-row corn disks	38.00	95.00
Walking plow, 14 inch	14.00	28.00
Harness, per set	46.00	75.00

While many of these finished articles are on the free list, yet the component parts are highly protected. The raw mate-

rial is therefore controlled, the output is limited, and the price fixed at a fancy figure. Our great natural resources of raw materials, our patent laws protecting inventions, the genius of American business and the ability of the American workman to produce, in most instances should be sufficient protection. There is no necessity for the use of the Federal taxing power to permit the exploitation of the American consumer.

In this age of rampant commercialism I may appear a little old-fashioned, but I can not escape the conviction that the Federal taxing power has been perverted from its original constitutional purpose of raising revenue for the administration of a Government economically conducted. Instead of assisting beginning and undeveloped industries until they can stand alone it continues to support the giants of industrialism. The excessive favoritism of the present tariff and its destructive influence to agriculture, I believe, is the most serious menace of the economic welfare of the American people.

I therefore make a plea for the consumers of America, that great forgotten class, that are trying to make their income meet these unjust burdens under a policy that taxes the many for the special benefit of the few. I can well understand why a manufacturer or one whose investments lie in a protected industry that controls the production, and therefore fixes the price, would be for the Fordney-McCumber tariff, but it is beyond my understanding why any farmer, small business man, professional man, or laborer should as a consumer desire to sanction this system of inequality that pulls wealth and income from the farms and rural communities to the industrial centers of America.

There are those who claim the present tariff law benefits the farmers. It is a bold assertion, but one which the present deplorable condition of the farmer emphatically contradicts. What does investigation disclose? The American Farm Bureau Federation estimates the present tariff costs the farmers on necesssities purchased an annual sum of $426,000,000 and that the farmers gain by the same law $125,000,000. Here is a clear loss of $301,000,000 in which the farmer contributes to the wealth of the manufacturer. Is it any wonder that New England and other manufacturing centers say, "Leave well enough alone; do not tamper with the tariff." The man always says "Leave well enough alone" when he has his hand in the other fellow's pocket. Under the present tariff law for every dollar the farmer gains it costs him $4. Also the Fair Tariff League, indorsed by many leaders of farm organizations, such as the National Grange, Farm Bureau Federation, and Farmers' Union, in a statistical summary of the leading agricultural States estimates the present tariff in those States costs the farmers $15 of added costs to $1 gained to the farmer by the operation of this law.

Knowing these facts, will the farmers be contented to vote for extreme protection, when they are being deceived and mulcted by this so-called beneficial tariff?

High tariffs can not raise the price of commodities of which there is an exportable surplus. Agriculture every year produces such a surplus for export, which is thrown upon the foreign market, and this export price controls the domestic price. When goods are going out and not coming in what good is a tariff wall? This wall may repel some trader who would bring goods here and exchange them for our farm surplus. Thus the tariff wall raises the price of all manufactured goods that the farmer buys and keeps him from trading abroad his surplus for many needed commodities which the farmer could use if the price was not prohibitive. The farmer is therefore at an economic handicap, and no amount of advice, sympathy, or subterfuge will bring relief as long as the man who tills the soil it not treated with legislative equality or justice.

Will the farmer still be satisfied with three cheers and a slap on the back and continue to vote for tariffs that rob him and reduce him to bankruptcy or will he use his political influence to help his industrial condition by voting for a party who will readjust the tariff schedules so that economic equality and justice may prevail?

It appears to be impossible to obtain revision of these exorbitant tariff rates from this administration. Many have in debate admitted the injustice of the present schedules. They are conceded to be obsolete and unfair, but there seems to be an invisible influence that controls and prevents even the consideration and modification of this policy of iniquity existing in the Fordney-McCumber tariff.

Since the tariff is not to be lowered then to obtain relief by lifting agricultural products to a level of manufactured products, the McNary-Haugen bill has been designed. I have three times voted for this bill and I believe it will bring the necessary relief. It does not propose to put the Government in business any more than the Government is already in the business of manufacturing, transportation, or banking. The rural population pleads for equal treatment at the hands of the Government. Surplus production is a vital factor in bringing agricultural prices back to a pre-war parity. Agricultural surplus can only be managed and controlled by some centralized, governmental agency. The bill provides for this control and arranges machinery to collect through the equalization fee the cost of operation, and thus prorates the same over the entire field of production of any commodity. It is a method designed to perpetuate itself, keep its reserve fund for control intact, and also curb overproduction. Without this feature of the equalization fee the funds are merely a subsidy, which when exhausted kills the system. Since a surplus is the salvation of our country against starvation the producers should not be penalized, but rather encouraged.

There has been unnecessary delay in recognizing the depressing conditions of agriculture and providing measures of relief. The representatives of 4,000,000 farmers have appeared before the committees of Congress and have almost unanimously indorsed the McNary-Haugen bill. This bill represents the best efforts from many sources of an honest, sincere attempt to assist the American farmer in orderly marketing, proper production, with prevention of farm surpluses from utterly destroying the domestic market. The Government under this bill would not buy or sell, but would help to organize cooperative groups and furnish capital to store and market the farm surpluses.

The production of farm products have an average annual value to the farmer of $10,000,000,000 and for which the consumer pays annually $30,000,000,000. In this wide margin of difference between what the producer gets and the consumer pays, lies the field for the operation of this legislation. The consumer can be protected from exploitation and the producer can be better rewarded for his labors. The Government will be the instrumentality of stabilization by bringing together the scattered groups for cooperative efforts. Great fluctuation in prices, damaging alike to both producer and buyer, will be prevented.

The administration should have had no hesitation in enacting this measure into law after the 1924 election. The platform contained pledges and the candidates made promises. These promises have faded into thin air, and like Judas Iscariot, the administration has turned its back on the one it professed to love. The Republican Party has had control of Congress for 10 years and has had the Presidency for 8 years and the chief distinction that the last two administrations can claim consists in having a President whose sole activity toward agriculture has been to veto farm relief legislation as fast as Congress can enact bills and send them to him. Congress has conferred and collaborated with the farm organizations, carefully considered, reported out, and passed these relief measures, only to be blocked in every effort by a Republican reactionary and obstructionist President. It is now up to the farmers at the ballot box to assert their rights.

Now, in conclusion, let me make some observations looking to farm relief. Farmers of the inland territory want cheap water transportation. This will allow the loading of vessels at inland ports for foreign shipments. We want to ship our farm products to the ports of the world without reloading. We need a revision of the freight rates consisting of reclassification, adjustments with certain preferential rates on foodstuffs. Also the States may help by revision of the taxing laws so that tangible property, because it is in sight and accessible, is not made to bear an unjust burden of the local government. The farmers pay one-fifth of the Nation's taxes and receive but one-twelfth of the national income. This situation calls for immediate alleviation. There should be a lowering and equalizing of tariff duties in the interest of the farmer. Pending the accomplishment of these changes the McNary-Haugen bill offers relief for better prices by governmental aid in marketing the surplus farm production.

The West and South being mutually interested should begin to work together in self-defense. The claim of wealth and prosperity means nothing unless there is a better distribution of its benefits to those who produce it. If politics and Federal legislation are interwoven into the industrial and business fabric of America, we must accept the challenge of this combination in the agricultural section and unite for action. We are determined that prosperity must be more than spotted and provincial. It must be general to satisfy the farmer.

It is up to the agricultural classes both organized and unorganized to stand by their friends and those who have worked and voted to bring equal opportunity and economic justice to those who produce the comforts of food and clothing for America. There is hope that the administration may change

and we get an Executive whose perspective can reach the farthest village and farm of America. We want no condition of serfdom. Only agricultural independence and economic equality on the farm can preserve uniform democracy in our country.

WHERE WAS ANDREW JACKSON BORN?

Mr. DOUGHTON. Mr. Speaker, I ask unanimous consent that my colleague, Mr. HAMMER, may have permission to extend his remarks in the RECORD by printing an article on the birthplace of Andrew Jackson.

The SPEAKER. Is there objection to the request of the gentlemen from North Carolina?

There was no objection.

Mr. HAMMER. Mr. Speaker, under the permission to extend my remarks in the RECORD I include the following statement prepared by John Trotwood Moore, director libraries, archives, and history, State of Tennessee:

The congressional committee known as the Joint Committee on Printing has been doing a much-needed historical work during the past four or five years in publishing authentic, correct, and concise biographies of the Presidents of the United States, Senators, Congressmen, and other Federal officials, past and present, for permanent preservation in the national archives. So many of these officials, especially Senators, Congressmen, and Cabinet officers of the past, left so little data of their lives that it has been a stupendous, painstaking task. Take an obscure and long-forgotten Member of Congress, say 100 years ago, who served one term in Congress and then vanished from the scene. Where was he born? Where did he die? What became of him, and where was he buried?

Naturally, the historical departments of all States have been called upon to help in this research. Senator MOSES is chairman of this committee and Mr. Wold is the very efficient secretary. When it came to the place of birth of Andrew Jackson, seventh President of the United States, the committee was confronted with serious and conflicting testimony. The birthplace of the seventh President was strenuously claimed by both the States of North and South Carolina, and their respective champions, Representatives WILLIAM F. STEVENSON, of South Carolina, and WILLIAM C. HAMMER, of North Carolina, each delivered on the floor of the House a convincing array of historical facts tending to establish their respective claims. In the confusion of so many differing statements from men so eminently qualified to speak authoritatively on the subject, and, without doubt, each sincere and honest in his belief, the writer was requested by Secretary Wold to go to the Waxhaw settlement in North and South Carolina (for the ancient Indian settlement extends across the borders of both States) and give to the committee his own views on the subject from personal investigation and first-hand information gathered on the spot. This he did on October 22, 1926, being met by a large delegation composed of citizens of both States and spending portions of two days and nights in that vicinity, the nearest town being Monroe, N. C.

Let it be understood in the beginning that this writer does not consider the question of Jackson's birthplace, as between these two splendid States of homogeneous people of the finest traditions of Anglo-Saxon lineage, as of any great importance.

The fact that he was born is the main thing for history and the glory of his breed.

VISIT HOME SITE

After thorough investigation the writer returned convinced beyond any doubt that Andrew Jackson was born in the George McKemey (spelled also McCamie, McKamie) log cabin on the night of March 15, 1767, which cabin is to-day situated about 407 yards on the North Carolina side of the State line between the States and about 10 or 12 miles from the town of Monroe, N. C.

My work was greatly facilitated by the untiring efforts of Congressman WILLIAM C. HAMMER of the seventh district, who, with other patriotic citizens of that district, met me and gave me every opportunity to thoroughly investigate this matter. In this connection I wish to add that the greatest possible credit is due Mr. HAMMER for the thorough investigation he made of this subject and his unanswerable presentation of it on the floor of the House of Representatives. As an historian I will further say that it is seldom any congressional district has so able a Congressman and historian at the same time.

Let me briefly array the proof presented by both sides, and give the reason for our decision in support of the North Carolina claims.

Let it be known in the beginning that all the early confusion and differences of opinion arising on this subject were brought about by an error in the survey establishing the true line between those States soon after the complete separation of the two provinces by royal authority in 1729. After the separation, a dispute arose as to the boundary line, which was not finally settled until the final survey—which is the established line of to-day—was ratified by the general assemblies of both States on November 2, 1815.

At that time Andrew Jackson had in a little more than one year destroyed the powerful nations of the Creek Indians, making possible the treaty of Ghent and completely routing for the first time in its history a British army of more than twice his own force, and saved the entire Louisiana Purchase from the jeopardy of British possession and annexation of Canada. After over a century of history, including three greater wars on the Western Continent, and a world war in Europe, involving nearly every white nation in the world, this is still considered the most brilliant and far-reaching victory ever gained by American arms. At that time, when the correct line was run between the two States, Andrew Jackson was 48 years old, and was living at the Hermitage, near Nashville.

DOUBT ABOUT LINE

But at the time of his birth, March 15, 1767, there was grave doubt about the line, and when it is remembered that it was admitted on both sides that the line run in 1737, 30 years before Jackson was born, was 11 miles short of reaching the thirty-fifth degree of north latitude, to which the surveyor had been instructed to run, thus producing a triangle with an hypotenuse following 11 miles from the true point of a straight line north and south within the true line as established November 2, 1815, and the false hypotenuse as run in 1737, was an area 5 or 6 miles in extent in which on one side or the other of the line close to it were located the homes of the five Hutchinson women (all sisters of Andrew Jackson's mother), who had married, the most of them in north Ireland, and emigrated with their husbands to America; and all settled in the Waxhaw settlement, vaguely extending from 10 to 20 miles each way into what is now North and South Carolina. These sisters were Margaret, who married George McKemie; Mary, who married John Leslie; Sarah, who married Samuel Leslie; Jane, who married James Crawford; Grace, who married James Crow; Elizabeth, who married Andrew Jackson, sr.

As stated, all of these built cabin homes within 4 or 5 miles of each other at the farthest, nearly all on lands touching Waxhaw Creek, except one, Andrew Jackson, sr., the last to come from north Ireland with his wife, Elizabeth Hutchinson, and their two little boys, Hugh and Robert, and, being the poorest of all who had married the comely, sprightly, thrifty, well-bred, and from the keen competition for their hands, most desirable Hutchinson sisters, he was able to enter in 1765, when he reached the Waxhaw settlement, only 200 acres of rather poor land on Twelve Mile Creek, 10 miles farther north and then as now, clearly within the borders of North Carolina.

He built a rude log hut by a spring, and with two years of strength-killing labor, tilling and clearing without aid or help save only the sturdy arms of his brave young wife, he was only able to pay $70 on this land, not enough to take it out of the entry office; and, broken in strength and heart, he succumbed to pneumonia in the bleak and bitter days of February, 1767, leaving a helpless wife, expecting shortly another child, and with two little boys to the none too tender life of a frontier civilization made up chiefly of savage fighting, spiritless drudgery, uncomfortable living, cruelty, and ignorance. But that log cabin, crude and comfortless as it was, stricken with dire poverty and overwhelmed with remorseless sorrow, lacked but a few days of being the birthplace, as it had been the beginning, of the life of a man whose iron will, mighty vision, and matchless courage was the first to make of his country a real democracy for the world.

AN UNMARKED GRAVE

On a bleak and freezing February day in 1767 they hauled his body on a sled to the old Waxhaw Church, some 10 miles away, and buried it in a grave that as yet has never had a stone with his name on it—the father of greatness who fought as brave a battle against as great odds for his wife and babies as ever his brilliant son did at New Orleans.

Can it be that the Nation he did so much to save and to make shall forget him? I can not believe it. And so I stood at that grave, unmarked, and, but for an accident, unknown—even as his wife, buried in a potter's field near Charleston—and pledged that the people of Tennessee would put a monument there to Andrew and Betty Jackson, father and mother of Tennessee's greatest citizen.

Things were very desperate with Betty Jackson, as she was called, in that lonely and rude log cabin by a rocky spring, in a small, cleared spot of woodland, on the edge of the frontier and 10 miles farther away than any of her sisters. Hugh, her oldest boy, was about four; Robert, scarcely two, both requiring constant watchful care, and another son soon to be born. Her husband had been too poor even to own a negro to help him clear the forest and build his log hut. Nor did he own a "likely wench," as the slave women were called, and purchasable at half the price of a manservant, $100 to $200. She had even helped her husband build his rude cabin, so far as the interior went, daubing the logs and the chimney with plastic mud, making the roped beds with only two posts, the other side being attached to the logs of the house. On a little hand loom she brought with her from north Ireland she had woven the jeans clothes for her man and her boys. The Hutchinson family was a family of linen weavers, and she doubtless wove the linen of fleece or cotton and milked their one cow, made endless trips to the rock spring for water, churned, cooked, sewed, washed their clothes, and kept her boys from mischief. The only description ever given of her, "a dumpy little red-headed Irish woman, always knitting, always busy, respected and loved by everybody."

Now, "dumpy, little, and red-headed"—that means compactness, health, energy, pep; red-headed, in that means temper and fight. Her great gangling son, of long legs and long, narrow peaked head on a slender body that carried it 6 feet and 2 inches high, resembled her in only two things—the red head of the fighter and the steel blue-gray eye that never quailed.

TRIED TO MOVE

With no one to wait upon her in her coming sickness, no one to cut wood and build fire and keep her warm, no one to guard against the sneaking, lurking Indians, the wild beasts in the swamps of the wood, with not a dollar, perhaps, in the hut, and little meal and potatoes and bacon, there was nothing for the stricken little red-headed woman to do but to go to her sister, Jane Crawford, 10 miles back further in the settlement and near the old Waxhaw log church. James Crawford, husband of her sister Jane, and his brother, Maj. Robert Crawford, were far better to do than Andrew and Betty, or either of the husbands of her other sisters. They owned each a large plantation, had moved to America 16 years before Andrew Jackson and Betty had come, and had greatly prospered, owning slaves and livestock of all kinds, raised large quantities of cotton and tobacco, and had homes of two stories with stairs, wide porticos, and a lawn in front of the most pretentious mansions of the entire countryside. Moreover, they were men of the first importance and standing—leaders in militia service and affairs of the county of Lancaster, S. C., where their plantations lay just 2 miles, or a little more, over the line, according to the survey of 1815. So imposing was the Robert Crawford home, and so prominent its owner, that it was selected to be the stopping place of President George Washington on his tour of the South in 1791.

It was finally decided among the sisters that their sister, Jane Crawford, being childless and a semi-invalid, that Betty and her two little boys should be taken there where Betty could keep house for her sister, and the boys find a home. Accordingly, on a cold day in March, in a small wagon, sitting on the feather mattress on top of all her worldly goods, holding her two little boys at her side, the little red-headed mother of her immortal son bid with tears good-by to the little cabin in which she had seen so much grueling labor and sorrow and set out for the home of her sister, Jane Crawford, 10 miles away, near the old Waxhaw Church. In going to her sister, Jane Crawford, Betty Jackson had to pass by the cabins of two of her sisters, Sarah Leslie and Margaret McKemie. Their husbands, like Betty's, were poor, their estates small, and their log cabins little roomier than her own. Their cabins stood scarcely half a mile apart on the public road.

REACHES HER HAVEN

When she reached her sister's cabins, Betty was cold and tired. It had been a long journey over a rough and rocky trail that passed for a road. Besides, she was growing ill—she sensed it. Her little boys were cold and hungry and it was nearly night. It was 2½ miles farther to her sister Jane Crawford's. She stopped for the night with Margaret McKemie. There had been much hard work in packing and loading even her small wagon load of household stuff. There had been tears and heartaches in leaving her little cabin where last she had seen her husband alive. She had been married to him but six years, and through the last two on the frontier of a new civilization, in a new land of wide, open spaces bordering on an unknown forest of wilderness and savage, had been hard and of bitter self-denial, yet they had been happy until death came by, in the thought that now, in this new country, of unlimited land and liberty, a new day had dawned from the tyranny of the old land they had left. And now, not 30 and a penniless widow, facing the rearing and care of three children.

No mother in all the world ever went to her lonely bed of labor and pain as went Betty Jackson that night on the Ides of March, to be delivered of a child whose father's comforting arms lay cold and crossed in a distant graveyard, powerless to comfort and caress her in the bitterest of all nature's ordeals. Neither in Shakespeare nor in the Bible, which together have recorded the dumb sorrow of silence written in the woman's tearless eyes who feels that pain of motherhood and knows there is no loving father for her child. Margaret McKemie, sister of Betty Jackson, did the natural and sensible thing in this unexpected dilemma. Near her, scarce a quarter of a mile away, lived another sister, Sallie Leslie. She was not only a sister but was experienced in the birth of children—a capable, strong, and sensible woman. Some even termed her by the old English and honored name of midwife. She was hastily sent for, and came quickly by a near cut through the field, so short a distance that the firelight in the small windows of each cabin could be seen at the other. She brought her little daughter, Sarah, along, 7 years old, because she had no one to leave her with at home. She arrived none too soon and sent hastily for another neighboring woman, living only a short distance across another field, Mrs. Molly Cousart, a professional midlady, who did reach there shortly after Jackson was born and in time to dress him, and as soon as his mother was able to travel she went to live with her sister, Jane Crawford, about 2½ miles away on the South Carolina side of the line. Here Jackson lived until his mother died, at which time he was about 14 years of age. That McKemie cabin is to-day 407 yards over on the North Carolina side.

PROOFS ARE PRESENTED

Let us see upon what proof we base these assertions, since they would establish North Carolina's claim to his birthplace.

Little attention was paid to Jackson's birthplace until he became famous and an outstanding man in national affairs. This is the way of the world in pioneer days; little attention was ever paid to the cabin in which greatness was born. Cabins were always quickly built and as quickly they rotted to decay or gave way invariably to more substantial and finer homes as the industrious and sturdy owner acquired wealth and standing among his neighbors, acquired by the products of his farm, his industry and thrift. The invariable rule was the log cabin first, the finer home of plank and brick afterward.

Many plantations in the South to-day still can show the log cabin of the first owner, now used as a stable or servant house, in humble contrast to the fine mansion, often of brick, near it. Part of the log cabin of the original Hermitage where Jackson lived when he fought the Battle of New Orleans still stands near the great colonial brick mansion which he built while President of the United States in 1835. Lincoln's people were not so thrifty. They built their log cabin on poorer land in Kentucky and with the death of Nancy Hanks, the mother, moved west into Indiana and still later Illinois. Like Jackson, it was only after the death of Lincoln that any real and enthusiastic search was made to find the cabin in which he had been born. It was only after Jackson died, in 1845, that any real authentic data were collected to show where he was born.

LEAVES WAXHAW SETTLEMENT

The question of his birthplace was never a happy theme to Jackson. At 14 years of age, orphaned, poor, without funds, and no prospect of ever being anything but a country school teacher, and finally a country lawyer riding a backwood circuit, he left the Waxhaw settlement in disgust, never to return again. His oldest brother, Hugh, had been killed in battle, then only 17. His other brother, Robert, he had seen slashed over the head, causing later his death, even as he himself had been slashed, by a cowardly brute of a British officer because the lads, 14 and 16 years old, captured in battle near Waxhaw Church, refused to be his menials and black his boots. And this after he had seen 115 of his comrades massacred in cold blood by the same British in treachery, after they had been surrendered and captured at Waxhaw Church the day before; about 150 wounded, 50 taken prisoners, all accomplished by treachery and deceit. And his mother dead and buried in an unknown grave far from home.

No wonder he never forgot. No wonder when the 8th day of January, a third of a century afterwards, when he saw that brazen and blasphemous body of cocksure British bullies rushing his deadly breastworks of Decherd rifles, and knowing the pale and ghastly memories on the white horse of death that led them to their sure destruction, that he turned to an officer near him with a grim gleam of Scotch cruelty and Calvinism in his eyes as he said: "And now, by hell, we'll give them a taste of Waxhaw."

It was a bitter taste that has never left the British mouth; to this day no historian of theirs has ever told the truth about Jackson.

CLAIMED SOUTH CAROLINA

Jackson cared little about his birthplace and never mentioned it until in 1824, when he had become a candidate for President, and in politeness answered the letter of Joseph H. Witherspoon as to where he was born.

Jackson's answer was: "I was born in South Carolina, I have been told, at the plantation whereon James Crawford lived, about 1 mile from the Carolina Road crossing the creek."

This is practically South Carolina's claim—that Jackson was born on the Crawford plantation—but they do not show any house, cabin, or any particular place where he was born. Only an ancient map drawn by a surveyor in 1820 who arbitrarily placed a cross at a certain place on a supposed road and called it Gen. Andrew Jackson's birthplace.

No great man was ever born anywhere and died in the memory of old people who had lived with him until he was 14 years old, or their children who, perhaps, had never seen him but had heard their fathers and mothers tell of him, but can establish without doubt the house wherein he was born. Especially if a majority of all these people living where he was born were held by the ties of kinship, such as the six Hutchinson sisters and their neighbors. If Jackson had said he was born in the James Crawford home or any other house, no one would dispute the claim. Or if he had said that his mother had told him that he was born in the Crawford house or in any certain house, no one would doubt it. But he did not say this, and his very wording seems to indicate that it was not from his mother that he got this information or he would have clinched it by saying so.

TESTIMONY AVAILABLE

There are old people still living in the Waxhaw settlement whose testimony would establish the fact that Andrew Jackson was born in the McKemie cabin, even if Colonel Walkup had not gathered in 1845 the affidavits which so indisputably established the fact.

Accompanying me on my recent trip, among many others, was Squire McWhorter, now nearly 80 years old, an elder, I am told, in the old Waxhaw Church, and a man of the finest standing in the community where he had lived so long. In pointing out where the McKemie cabin stood this fine old gentleman told me that his grandfather, who was born in 1793, often had shown him the McKemie cabin which stood there, with the remark that his grandmother, Sarah Leslie, had often pointed out the cabin to him and told him that it was in this cabin that she had helped to bring Andrew Jackson into the world.

This alone should establish the fact if Colonel Walkup's affidavits had never been gathered.

Our South Carolina friends are in error when they claim that North Carolina made no claims to Jackson's birthplace until after Jackson's death. In 1828 J. D. Craig, postmaster of Findleysville, N. C., a native of South Carolina, who lived in the Waxhaw, sent to George Nevills, of Ohio, chairman of a Jackson committee, numerous statements as to the birthplace of General Jackson. Mr. Craig contended that he had no desire to take from his native State laurels to which she was entitled and confer them on North Carolina, but that after Jackson wrote Colonel Witherspoon the "as I have been told" letter as to his birthplace, he (Craig) wrote Col. E. Duff Green, editor of the United States Telegraph, that there were living witnesses to prove Jackson was born in North Carolina. The letter was published. (See United States Telegraph, July, 1828, in Library of Congress.) George Nevills, of Ohio, chairman of a Jackson committee, immediately wrote Mr. Craig asking for certificates and affidavits to refute scandalous reports about Jackson and wife.

CRAIG LETTER ON FILE

Later, in 1858, Mr. Craig wrote to Colonel Walkup from his home in Caswell, Miss., where he had lived the first 20 years, stating he had seen much published about Jackson and his parents that was incorrect; he had written a letter to the editor of the Lancaster Ledger, giving the history of the family. The Craig letter to Colonel Walkup was received too late to be published in the Wadesboro Argus, containing the Walkup evidence, but it is on file, together with other evidence in the "Walter Clark collection," with the historical commission at Raleigh, N. C.

Mr. Craig stated in this letter that he was 71 years old and his memory was good. He was born and reared in Lancaster County, S. C., married and settled on Waxhaw Creek within 2 miles of Jackson's birthplace. He was often at McKemy's house before it was pulled down. It was about 400 yards east of Cureton's pond (no pond there now, as the land is drained and in cultivation), opposite where Cureton built his cotton gin and screw. Mr. Craig then gave an accurate description of the highway along the State line, and the location and distances of the homes of the pioneers.

Mr. Craig states further that he secured affidavits forthwith from James Faulkner, a good Presbyterian like himself, and belonging to Waxhaw Church, and living on Cain Creek in what is now Lancaster County, S. C. After spending the night with Mr. Faulkner, the two went to Squire David Latham's, where Mr. Faulkner made oath that his father came to America some time before the Revolutionary War and left him behind with an uncle to get schooling; that he knew Andrew Jackson, sr., and family; that George McKemy married the oldest of the Hutchison sisters and had one child that died; that McKemy came to America 16 years before Jackson's father and family and two other families came; that Jackson sailed from Learn, Ireland, landing at Canniniggigo, Pa., and went direct to the Carolinas.

Testimony of Mr. Craig's witnesses, Faulkner further swore that after the war was over he sailed from Learn and on landing at Wilmington, N. C., went to George McKemy's, where on his first night he slept with Andrew Jackson, then a lad of about 14 years. He understood Jackson was born in that house. Faulkner added that his (Faulkner's) first wife was a Leslie, and a cousin of General Jackson. Craig wrote that he often heard James Faulkner, father of the James Faulkner who made the affidavit for Walkup, say that Jackson was born at McKemy's, in North Carolina.

QUESTION UP AGAIN

Jackson died June 8, 1845, and immediately the papers in recounting his life spoke of his having been born in South Carolina. To refute this, Col. S. H. Walkup, of North Carolina, distinguished lawyer and afterwards colonel in the Confederate Army, began to gather testimony. It seems he collected this and first published it in a speech he made in Union County, July 4, 1845. Later, in 1858, while assisting the historian preserved in the North Carolina historical commission at Raleigh. There are 14 of these affidavits in all, but only the most important will be reproduced here with three letters written to Colonel Walkup in 1845, as follows:

LANCASTER DISTRICT, S. C.,
August 5, 1845.

Mr. S. W. WALKUP.

SIR: Agreeable to your request, and to fulfill my promise to you, I herewith send you Mrs. Lathan's history of the birth of Andrew Jackson, as related to me by herself about the year 1822, as well as my memory now serves me. Mrs. Lathan states that herself and Gen. Andrew Jackson were sisters' children; that Mr. Leslie, the father of Mrs. Lathan, Mr. McCamie, Mr. Jackson, the father of Andrew, and Mr. James Crawford all married sisters; Mr. Leslie and Mr. McCamie located themselves in Mecklenburg, N. C., Waxhaws; Mr. Crawford located in Lancaster District, S. C., Waxhaws; Mr. Jackson located himself near Twelve Mile Creek, Mecklenburg, N. C.; that she was about seven years older than Andrew Jackson; that when the father of Andrew died Mrs. Jackson left home and came to her brother-in-law's, Mr. McCamie's, previous to the birth of Andrew; after living at Mr. McCamie's a while Andrew was born, and she was present at his birth; as soon as Mrs. Jackson was restored to health and strength she came to Mr. James Crawford's, in South Carolina, and there remained.

I believe the above contains all the facts as given by Mrs. Lathan to me. Mrs. L. was a lady of very fair standing in society.

BENJAMIN MASSEY.

LANCASTER DISTRICT, S. C.,
August 22, 1845.

Mr. S. H. WALKUP:

Mrs. Leslie, the aunt of General Jackson, has often told me that General Jackson was born at George McCamie's, in North Carolina, and that his mother, soon after his birth, moved over to James Crawford's, in South Carolina; and I think she told me she was present at his birth; but at any rate she knew well he was born at McCamie's, and that the impression that he was born at Crawford's arose from his mother moving over there so soon after his birth. Mrs. Leslie was a lady of unblemished character and excellent reputation.

JOHN CARNES.

The following are some of the affidavits given to Colonel Walkup in 1858, which, together with other evidence, was passed on by the historian Parton on his visit to the Waxhaw that year, and embodied in his Life of Jackson. The only other historian who ever published a Life of Jackson, who visited the place and went over the testimony first hand, like Parton, was Buell, and he arrived at the same conclusion.

AUGUST 28, 1858.

Mr. James Faulkner, of Steel Creek, N. C., states that he is 62 years of age and is the son of James and Mary Faulkner; that his mother was a daughter of Samuel and Sarah Leslie, and therefore his mother was full cousin of General Jackson, and his grandmother was sister of Mrs. Jackson; that he was born and raised in South Carolina, and that Mrs. George McCamie and Mrs. James Crawford were sisters of Mrs. Jackson and his grandmother, Mrs. Sarah Leslie. He locates the places where they settled and shows that Mr. Andrew Jackson, sr., settled and died on Twelve Mile Creek, N. C.; that George McCamie settled a quarter of a mile east of Cureton's pond and a quarter east of the public road, and in North Carolina; that Mrs. Leslie was a very near neighbor to Mr. McCamie, and in North Carolina; and that James Crawford settled about 2½ miles southwest in South Carolina. He states particular reasons and circumstances why he knew the McCamie place, viz, that his father lived with McCamie in 1785, for one year, and spoke of hobbling and turning out the horses to graze in Cureton's pond, and of his making only 15 bushels of corn at that place that year as his share of the crop; and further, that his uncle, George Leslie, lived with McCamie for several years and until the death of his aunt, Mrs. McCamie, in 1790; that he was named for McCamie to inherit his property. He states that old Mr. Jackson died before the birth of his son, General Jackson, and that his widow, Mrs. Jackson, was quite poor, and moved from her residence on Twelve Mile Creek, N. C., to live with her relations on Waxhaw Creek, and whilst on her way there she stopped with her sister, Mrs. McCamie, in North Carolina, and was there delivered of Andrew, afterwards President of the United States; that he learned this from various old persons, and particularly heard his aunt, Sarah Lathan, often speak of it and assert that she was present at his, Jackson's, birth; that she and her mother, Mrs. Leslie, was sent for on that occasion and took her, Mrs. Lathan, then a small girl about 7 years of age, with her, and that she recollected well of going the near way through the fields to get there; and that afterwards, when Mrs. Jackson became able to travel, she continued her trip to Mrs. Crawford's and took her son Andrew with her, and there remained. He thinks also that his aunt said that her mother was the midwife who delivered Mrs. Jackson on that occasion; that his aunt was a woman of good character and sound mind and memory to the time of her death.

JAMES FAULKNER.

Before:

JOHN M. POTTS, *Justice of Peace.*
SAM'L H. WALKUP.

At the same time there was taken the affidavit of John Lathan, son of Sarah Lathan. Sarah Lathan was born Sarah Leslie, daughter of Sarah Hutchison. John Lathan, therefore, was a grandson of Sarah Leslie, Andrew Jackson's aunt, and who assisted her sister Elizabeth on the night of March 15, 1767, when the little Andrew was born in the cabin of his other aunt, Margaret Hutchison McCamie:

WAXHAWS, NEAR THE WAXHAWS CHURCH,
Lancaster District, S. C., August 30, 1858.

The following is about what I have heard my mother, Sarah Lathen, say in frequent conversation about the birthplace of Andrew Jackson, President of the United States. She has often remarked that Andrew Jackson was born at the house of George McCamie, and that she (Mrs. Lathen) was present at his birth. She stated that the father of Andrew Jackson, viz, Andrew Jackson, sr., lived and died on Twelve Mile Creek in Mecklenberg County, N. C., and that soon after his death Mrs. Jackson left Twelve Mile Creek, N. C., to go to live with Mr. Crawford in Lancaster District, S. C.; that on her way she called at the house of George McCamie, who had married a sister of hers (Mrs. Jackson), and whilst at McCamie's she was taken sick and sent for Mrs. Sarah Leslie, her sister, and the mother of Mrs. Sarah Lathen, who was a midwife and who lived near Mrs. McCamie's; that she, Mrs. Lathen, accompanied her mother, Mrs. Sarah Leslie, to George McCamie's; that she was a young girl and recollects going with her mother; they walked through the fields in the night, and that she was present when Andrew Jackson was born; that as soon as Mrs. Jackson got able to travel after the birth of Andrew, she went on to Mr. Crawford's, where she afterward lived.

The maiden name of my grandmother and sisters (Mrs. Jackson, Mrs. McCamie, and Mrs. Crawford) were Hutchison. One of them married Samuel Leslie, my grandfather; one married James Crawford; one married George McCamie; and one married Andrew Jackson, sr. Jackson lived on Twelve Mile Creek, N. C.; Leslie lived on the north side of Waxhaw Creek, N. C., to Charlotte, S. C., about 1 mile east of said road, and east of a large branch, and near to George McCamie's, as I understood, but not so near the road as McCamie's. I don't know where McCamie lived. Crawford lived near Waxhaw Creek in South Carolina.

My mother, Sarah Lathen, was the daughter of Samuel and Sarah Leslie, and died about 35 years ago, and was over 60 years old at her death. My mother lived near me until her death, and we lived about 7 or 8 miles from Samuel Leslie's and William J. Cureton's place and about 2 miles from old Waxhaw Church, in South Carolina. I am 70 years of age, and have a very distinct recollection of all the facts above stated as true and correct as stated by my mother and as recollected by myself.

JOHN LATHEN.

Tests:

DIXON LATHEN.
SAMUEL H. WALKUP.

SEPTEMBER 1, 1858.

I, Hugh McCommon, now aged 69 years, a resident of Waxhaws, in Union County, N. C., do hereby certify that I was born and raised within a mile of this place where I now live, and that my father's house was about one and a half miles due east from what is known as the George McCamie place. I have always well known the Georgia McCamie house from my boyhood, and it was always called the old McCamie house. It lays about one-fourth of a mile southeast from Cureton's Pond, and about the same distance east of the public road leading from Lancaster Courthouse, S. C., to Charlotte, in North Carolina. The remains of the old chimney are still visible. It is in North Carolina, Union County, and about 1 mile north of Waxhaw Creek. Jeremiah Cureton, sr., lived once in the same George McCamie house, which he afterwards turned into a ginhouse; and I have had cotton picked and packed in the same house when I was a small boy for my mother. It lies about one-fourth of a mile northeast of where Green Yarbrough now lives. It was always called by old Jery Cureton and other old persons, "the McCamie place." I have often heard several old persons say that Gen. Andrew Jackson, President of the United States, was born in the above described old George McCamie place.

That his mother was on her way from her residence on Twelve Mile Creek, N. C., to Mr. Crawford's, in South Carolina, and stopped at George McCamie's, who was a relation, and whilst at McCamie's was delivered of Andrew Jackson. I heard several old persons speak of this fact and among the rest was old George McWhorter, who said he was well acquainted with Gen. Andrew Jackson in boyhood and went to school with him and had many a fight with him, and who said that Jackson would never give up, although he was always badly beaten, as he (McWhorter) was the stronger of the two. McWhorter told me he was in the Revolutionary War toward its close, doing some service with the Whigs. He was a man of unquestionable good moral character and undoubted veracity and lived and died in the same neighborhood and died about 18 years ago. I also was well acquainted with the two old houses where Samuel and James Leslie lived. They lived near each other, not more than 100 yards apart, on the west side of a branch and about 100 yards from the branch, about a quarter of a mile southeast from the George McCamie place and about three-quarters of a mile from Waxhaw Creek, on the north side, and about half a mile east of the public road leading from Lancaster, S. C., to Charlotte, N. C. my parents lived about 1½ miles east of the Leslie's, and I have been there oftentimes, and they have done many errands of kindness as neighbors for my mother. The houses and men were all old when I was a boy. My father lived at the same place where I was born and raised before the war of the Revolution. Old Archy and Molly Cousar lived about three-quarters to a mile west of the Leslie's and George McCamie's. There was no woodland between Leslie's and McCamie's since I knew them. From Leslie's and McCamie's to the old Crawford and Wren places would be over 2 miles and a considerable portion of the distance has always been woodland until of late years. All of which is given under my hand as correct.

HUGH M'COMMON.

Tests:

HUGH C. NESBIT.
SAMUEL H. WALKUP.

CRAIGSVILLE, S. C., *September 1, 1858.*

Gen. S. H. WALKUP.

SIR: Your note of yesterday was handed me this morning and contents noted. Patent facts abundantly justify me in appending the following: I hereby certify Messrs. Thomas and Samuel Faulkner and John Lathen are my immediate neighbors and men of the highest respectability, and have been from early life orderly members of the branch of the Presbyterian Church with which I am connected, and their district is an impenetrable ægis against any suspicion involving their veracity.

D. R. ROBINSON.

Testimony of Samuel McWhorter:

"In 1765 Andrew Jackson, his brother-in-law, James Crawford, and his wife's brother-in-law, George McKemey, and other relatives moved with their families to America. Arriving at Charlestown, they located in the Waxhaw settlement, where many of their Scotch-Irish friends had preceded them. George McKemey bought land on Waxhaw Creek, some 6 miles from the Catawba River and about a quarter of a mile from three-fourths to a mile northwest of James Walkup's old mill, and that McCamie lived northwest a short distance from his house; and that old Sam Leslie lived very near to his father's house; and that they, the Leslies (Samuel and James), and George McCamie and John McCommon were all near neighbors and very intimate friends. My father was a Revolutionary soldier, he said, under Major Crawford, and was at Charleston, S. C., and drew a pension for several years before his death at the rate of about $41 per annum. The family record, an old Bible, exhibits this record in my father's handwriting: 'George McWhorter, born the 8th day of February in the year of our Lord 1762,' and is taken from the original family record now in possession of the family of my brother, John McWhorter, and I know this to be a correct copy of the original, which I have seen. My father lived at this place about 38 years before his death, and died February 4, 1841, about 80 years of age; he retained his mental faculties in full strength up to the time of his death.

"I have frequently heard my father and grandmother, Elizabeth McWhorter, speak of the birth of Andrew Jackson being at George McCamie's house in North Carolina. She said Mrs. Jackson was on her way from her residence on Twelve Mile Creek, N. C., to her relations in Waxhaws, and stopped to stay all night with her sister, Mrs. McCamie, and was taken in labor there; and that she, Mrs. McWhorter, was sent for as a near neighbor and was present at the birth of Andrew at the house of George McCamie in North Carolina; and that she took my father with her the next day when she visited Mrs. Jackson at McCamie's. My grandmother lived with my father about two years when I was about 9 or 10 years old, and died about 50 years ago. I am now 61 years of age. All of which I certify to be correct.

"SAMUEL MCWHORTER.

"Tests:

"SAMUEL H. WALKUP,
"H. C. WALKUP."

WALKERSVILLE POST OFFICE, N. C., *September ½, 1858.*

This is to certify that I, Jane Wilson, have heard many old persons, during the time Gen. Andrew Jackson was a candidate for President in 1828, speak of his having been born in North Carolina near old Jeremiah Cureton's store in South Carolina. The reputation of his birthplace being in North Carolina was very general. I remember hearing old Moses Vick speak on a public day of General Jackson being born in North Carolina, near Cureton, and claim that he was related to Jackson. I heard old George McWhorter also remark frequently that General Jackson and he were playmates and very familiar and went to school together; and he asserted that he knew the very spot where General Jackson was born, and named the place, and said it was in North Carolina, near old Jeremiah Cureton's store. A great many other old persons also on the same public day at Wilson's, and at other times, I have heard speak of Jackson having been born as above stated. I am now 59 years of age.

JANE WILSON.

Witness:

S. H. WALKUP.

Thomas Cureton's house, near corner stone between North and South Carolina, August 31, 1858:

"I, Thomas Cureton, sr., being about 75 years of age, do hereby certify that my father, James Cureton, came to this Waxhaw settlement from Roanoke River, in North Carolina, about 73 years ago, as I am informed and believe, when I was about 1 year old; and my brother, Jeremiah Cureton, who was about 20 years older than myself, came with him. My brother, Jeremiah Cureton, bought the George McCamie place some time after he came to this country, in about 1796, and settled down on the same place and in the same house where George McCamie lived. He remained there a few years and until he bought the place where William J. Cureton now lives. I know the George McCamie place well. It lies in North Carolina about a quarter of a mile east of the public road leading from Lancaster Courthouse, S. C., to Charlotte, N. C., and to the right of said road as you travel north, and lies a little east of south from Curetons Pond on said public road, and a little over a quarter of a mile from said pond. My brother, Jeremiah Cureton, was of the opinion, from information derived from old Mrs. Molly Cousar, the mother of Richard Cousar, that Andrew Jackson, President of the United States, was born at the George McCamie place, as above described. Mrs. Cousar was a neighbor and lived then, at the time of the birth of Gen. Andrew Jackson and until her death, in South Carolina, about 1 mile west from the George McCamie house, and was a very old woman when she died, which was about 35 years ago. She was a woman of undoubted good moral character and her veracity was unquestionable. The Leslie houses lay about half a mile in the southern direction from the McCamie house and north of Waxhaw Creek and east of the public road. I have lived for the last 72 or 73 years within 3 or 4 miles of the McCamie place.

"All of which is hereby certified to be correct and true to the best of my opinion and belief.

"THOMAS CURETON.

"Witness:

"SAMUEL H. WALKUP."

CURETON'S STORE, S. C., *September 3, 1858.*

My recollection, from what my father, Jeremiah Cureton, sr., told me, was that he, my father, lived on the old tract called the George McKamie's tract and in the house where George McKamie lived, and where it was said that Andrew Jackson, President of the United States, was born; and that he, my father, afterwards removed to the place where I now live. My father has frequently pointed out to me the old McCamie house as the place where, he said, he always understood Andrew Jackson was born; that old persons who knew all about his birthplace had said that was where Jackson was born; and that old Mrs. Mollie Cousar was one of the persons he spoke of having made that statement; and he spoke very confidently, from information he had received from various old persons, that the George McCamie house was where Jackson was born. This McCamie house lies about a half mile southeast of where I now live, and is in Union County, N. C., formerly called Mecklenburg County, N. C., and is a little over a mile southeast of what is called Cureton's Pond and about a quarter of a mile east of the State line and the public road leading from Lancaster Courthouse, S. C., to Charlotte, N. C., about 1½ miles north of Waxhaw Creek. I have the old land papers for said fact, which was patented to John McCane, 1761, upon a survey dated September 8, 1757; conveyed by McCane to Repentance Townsend, April 10, 1761, and by Townsend to George McCamie January 3, 1766; and by George McCamie to Thomas Crawford, 1792; and from Crawford and wife Elizabeth to my father July 23, 1796; and by my father to myself, and which I still own. My father came from Virginia with my grandfather, James Cureton, to Roanoke, N. C., and from there to Waxhams, S. C., and purchased the McCamie place, where he lived for a few years, and then removed to the place where I now reside in Lancaster District, S. C., where he remained until his death in 1847, being then 84 years of age. This is about all I can recollect from information derived from my father and these old land papers about the McCamie house and place.

W. J. CURETON.

Witness:

S. H. WALKUP.

In 1858 Col. S. H. Walkup, of Union County, undertook the task of gathering testimony as to the time and place of Jackson's birth. He spent a great deal of time in the work and accumulated conclusive evidence that Jackson was born in the "Waxhaws" March 15, 1767. The affidavits were published in the North Carolina Argus of Wadesboro, September 23, 1858, and were later printed in pamphlet form and in Parton's Biography of Jackson. The Charlotte and Lancaster papers of 1858 engaged in a controversy over the questions involved, but all finally acquiesced in the completeness of Colonel Walkup's presentation of the factor.

Fourteen affidavits were secured. They were made by persons, in several instances unknown to each other, yet they corroborate with uniformity every important detail. The substance of them is as follows: Six sisters—Misses Hutchinson—married and emigrated with their husbands to this country and settled in the "Waxhaws." Margaret married George McKemy and settled on Waxhaw Creek in North Carolina; Jane married James Crawford and settled on Waxhaw Creek in South Carolina; Elizabeth married Andrew Jackson, sr., and located near the present site of Pleasant Grove camp ground in North Carolina; Sarah married Samuel Leslie and settled near George McKemy's; Grace married James Crow and settled near Lands Ford, S. C. Andrew Jackson, sr., built his cabin 9 miles from South Carolina, and the site of it is known to this day. There in February, 1767, he died, leaving a widow and two sons—Hugh and Robert. His body was interred in old Waxhaw Cemetery, near Lands Ford. Mrs. Jackson, soon after the death of her husband, started to the home of her sister in South Carolina. On the way she stopped to visit Mrs. George McKemy, another sister, and in her home on the night of March 15, 1767, Andrew Jackson was born. So, as Mrs. Jackson recovered sufficient strength, she went, with her three boys, to the home of James Crawford in South Carolina, and there Andrew lived for 13 years. The Crawford place was 2½ miles from the McKemy place.

In the affidavits Benjamin Massey, John Carnes, John Lathan, James Faulkner, and Thomas Faulkner, the three latter being second cousins of Jackson, all declare that Mrs. Sarah Leslie and Mrs. Sarah Lathan (aunt and cousin of Jackson, respectively) often asserted that Jackson was born at George McKemy's and that they were present at the birth; that Mrs. Leslie "was sent for on the night of his birth, and she took her daughter, Mrs. Lathan, and recollected well of walking the near way through the fields in the nighttime." In addition is the testimony of Mrs. Elizabeth McWhirter and her son George and Mrs. Mary Cousar, who state that they were "near neighbors and present on the night of the birth of General Jackson at the house of George McKemy, in North Carolina," March 15, 1767, which testimony rests upon the statements of Samuel McWhirter, grandson of Mrs. Elizabeth McWhirter, and Thomas Cureton and Jeremiah Cureton, who heard the old persons speak often and positively of the facts.

For many years it was not known in which State the McKemy cabin was located, but the records of land titles in the Mecklenburg County courthouse established the fact that the site of the cabin has always been in North Carolina. In a deed given by McKemy to Crawford in 1792 it described as being "north of Waxhaw Creek." The McKemy tract of land was surveyed in 1757 for John McKemy, and was patented in 1761, and was sold by John McKemy to Repentance Townsend in 1761, and by Townsend to George McKemy in 1766. McKemy sold it to Thomas Crawford (son of James Crawford) in 1792; Crawford to Jeremiah Cureton, from whose estate it was purchased by J. L. Rodman, the present owner. The records of the transactions prior to 1842 are in the Mecklenburg County courthouse; after that year in Union County.

Thus we have the sworn testimony of 14 persons whose irreproachable character will be vouched for by persons now living, many of them unknown to each other and all agreeing in reporting the settled family traditions that Andrew Jackson was born in the McKemy cabin March 15, 1767, and the incontrovertible testimony of the county records that the McKemy place is and always has been in North Carolina.

In a letter recently to Colonel HAMMER, Member of Congress from North Carolina, and who has gone more fully and completely into this subject than any man and whose speech in Congress June 18, 1926, is irrefutable. Historian Craven says:

"The only thing that has even been in favor of the idea that Andrew Jackson was born in South Carolina is South Carolina imagination. Jackson's parents lived near Monroe, some 12 miles inside of North Carolina. Just before the birth of Andrew his mother started to visit near the South Carolina line and the child was born in the home of George McKemy, who was a brother-in-law of Mrs. Jackson. A few weeks later the mother and child went to the home of another relative named Crawford. For many years it was not known in which State the McKemy house stood, until an investigation of the records 15 years ago disclosed the recording of all deeds of the property in Mecklenburg and Union Counties, N. C. There never has been any doubt about it since, as it has been admitted for a hundred years that Andrew was born in the McKemy home, though he did not know in which State it was. From the age of 3 weeks to 17 years Andrew lived in South Carolina, but just as soon as he grew to manhood he returned to his native State and never left it until he was legislated out of it by the western part being made into the State of Tennessee. These are facts that have been proven so conclusively that there is no longer any dispute about it except for intellectual exercise and recreation for a few South Carolinians who have not had time to read up on it.

"When in the work for Tompkins I went to work on this subject there was a great debate between the Charlotte Observer and the Charleston News and Courier (Caldwell and Hemphill). I really wrote the editorials on this subject for Mr. Caldwell, though he sometimes worked on them, too. The South Carolina side presented complete proof that Jackson was born in the McKemy cabin, and we were caught and could not deny it. So I went to work to find out where it was and found the records as cited, showing that George McKemy

owned the place in Mecklenburg County (now Union) and that he never owned any property in South Carolina. It was South Carolina that proved Jackson was born in the McKemy cabin, and then we proved that the cabin was always in North Carolina. They have never had any argument since. There never has been any doubt about Jackson being born in the McKemy cabin. The records show the cabin is now and was then in North Carolina."

SOUTH CAROLINA'S CLAIMS

The claim of South Carolina has been very ably presented by its distinguished historian, Mr. A. S. Salley. But it is not sufficient to overcome the facts presented by North Carolina.

Briefly, South Carolina claims are chiefly based on two grounds: First, that Andrew Jackson himself repeatedly stated that he was born in South Carolina; second, on the evidence of Boykin's map. A copy of this map is in our hands and shows that the surveyor placed a star at the point over the South Carolina side of the line and marked it: "The birthplace of Andrew Jackson." The arbitrary act of a surveyor who places a cross mark on a map and calls it a birthplace of a distinguished man, with no further proof that a house stood there, or further evidence that the man was born there save only his diction to that effect, is not sufficient proof that such was the fact. In our visit to this spot we could find no one who ever heard of a house standing at the designated cross mark of Surveyor Boykin, and reading his line, by miles indicated, places in reality the supposed cabin a mile or two beyond where he claimed that the cabin stood. Positive evidence is preferred always to hearsay; the North Carolina claimants all state positively that Andrew Jackson was born at McKemy house and can show where the house stood and a photograph of it before it was torn down. But the claimants of South Carolina can show no cabin nor spot where any cabin stood at the cross mark designated by Surveyor Boykin. Indeed, there is evidence, if the older people of North Carolina are correct, that the South Carolina claimants originally agreed that the McKemy cabin was the correct place and not until a survey placed that cabin on the north side did they locate it elsewhere. We find no written evidence of this fact, however, save the statement of older people who were living then.

ERROR IS EXPLAINED

In regard to the other and far more formidable claim of South Carolina, to wit: "Jackson's own statement that he 'was born in South Carolina,' as he had been told, on the plantation whereon lived James Crawford," and his other statements to this effect, the last of which is in his last will and testament, it is plain that Jackson believed that he was born in that State. But we believe this is readily explained by an old letter which the writer found in the New York Times of December 27, 1892, written by the historian, Augustus C. Buell, and dated Philadelphia, December 23, 1892.

It must be remembered that Buell wrote a very excellent two-volume life of Jackson, which was published in 1874 and that while many lifes of Jackson have been written, only two of the authors of them, Parton, in his three volume Life of Jackson, and Buell, in his two volume Life of Jackson, ever went to Waxhaw settlement in both North and South Carolina and got first-hand evidence on the subject. Parton wrote the greatest of all lifes of Jackson. In fact, few greater biographies have ever been written. He spent several weeks in Union County, in 1858, went thoroughly into the Walkup evidence and the South Carolina claims, much of which he presents in full in this first volume and without hesitation states that Jackson was born in the McKemy cabin in what was then supposed to be in South Carolina, but was, in fact, by a true survey of the line, in North Carolina. Parton was a painstaking and accurate historian and had no doubt of the correctness of his conclusion. The only other historian who visited the spot in person was A. C. Buell, who followed Parton 25 years later, went over the same evidence, and reached the same conclusion. Later, in his letter to the New York Times, Buell clearly explains why Jackson claimed that he was born in South Carolina. I quote his statement, as follows:

"Noting the statement of Mr. A. J. Shipman that the birthplace of Andrew Jackson was in North Carolina and not in South Carolina, it may be remarked that two points are involved: First, the location of the cabin in 'the Waxhaw settlement'; second, the location of the boundary line between the two States. The present village of Waxhaw is in Lancaster County, S. C., some little distance from the line. But the 'Waxhaw settlement' was northeast of the village of to-day. The location of the cabin was determined by Mr. Parton, and it proved to be a fraction of a mile north of the State line now recognized. I had the honor to be personally acquainted with Mr. Parton and discussed this question with him in Washington City 30 years ago. I contended that at the time of Jackson's birth (1767) the 'Waxhaw settlement' was included in and under the jurisdiction of the colony of South Carolina, and it continued to be so considered until the rectification of the boundary by Floyd in 1793 or 1794. No accurate survey had been previously made. Floyd found that the boundary trended a little too much northerly and went west of the Great Peedee River, and his correction of it southerly brought the site of the Jackson log cabin just within the territory of North Carolina.

"Jackson himself was well aware of this fact, but he maintained that as his birthplace was within the jurisdiction of South Carolina when he was born he was a native of that State, or colonoy then, and that no subsequent rectification of the State line could alter or effect the fact of his nativity any more than it could any other transaction prior to the correction of the line and while the jurisdiction of South Carolina was undisputed.

"AUGUSTUS C. BUELL.

"Philadelphia, December 22, 1892."

It was a beautiful day in October, 1926, when I journeyed to the spot where once stood the log-cabin home of Andrew Jackson and his wife, Elizabeth. No sign of the cabin was to be seen save the mound of red clay that was made when the daubed log-built chimney fell in decay. Old barren fields, much of it grown up in sedge grass and bushes, were around. The beautiful strip of native forest was near—pine, hickory, a beech or two, and oak, and from the edge of this woodland in 20 steps of where once stood the cabin a deep, clear spring of purest water flowed out from under the roots of a gnarled old tree of hickory. In the wild grass where had stood the cabin flashed out the shimmering silver blades of the little wild plant that is not a weed nor yet a flower—more than both—life everlasting.

Hickory and life everlasting! Methought that nature, seeing that man had neglected the spot, was adorning the shrine with garlands symbolical of his immortality—hickories and life everlasting.

WHICH SHALL IT BE—CONSERVATISM OR LIBERALISM?

Mr. SIROVICH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an address I delivered the other day in New Yory City.

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

There was no objection.

Mr. SIROVICH. Mr. Speaker and fellow Members of the House, political activities are characteristic only of a highly developed civilization predicated on a rather substantial average of literacy among human beings and accompanied by a widespread diffusion of learning. Constitutional government, which makes provision for political differences and the organization of political parties based on those differences, can thrive only where the average man and woman can become easily acquainted with political issues.

The thousand years following the death of Christ were relatively barren in their political significance since they represented centuries of darkness, of ignorance, of unspeakable misery and poverty, when petty barons fastened their ironclad rule on small areas, and the voice of humanity was wholly inarticulate.

Baronial and feudal autocracy was destroyed by a number of factors, chief among which was the discovery of gunpowder by the monk, Doctor Schwartz, which rendered the individual a power to be reckoned with in time of battle; the invention of the printing press by Gutenberg, which, through the slow processes of centuries, finally broke down the barrier of illiteracy; the Renaissance, which ultimately brought occidental culture to the intellectual level enjoyed by the ancient society that knew Plato, Aristotle, Cicero, and Horace; and by the Reformation which released millions of men and women from religious bondage.

In the wake of feudalism came autocratic monarchies, tempered sometimes by benevolence, such as characterized the rule of Frederick the Great, in Prussia; and at other times by political reforms such as that immortal document, the Magna Charta, which was wrung from the unwilling hands of John I at Runnymede in 1215; the establishment of the writ of habeas corpus; and the English Bill of Rights.

Autocracy in time yielded to parliamentary government, constitutional monarchy, and ultimately to democracy itself; leading inevitably to the establishment of political groups, which in time assumed the dignity of parties.

John Stuart Mill, the eminent British philosopher and economist, once aptly stated that in any enlightened community there must be of necessity two parties, one representing the forces of stability and order and the other the ideals of progress and reform.

This statement was made more than three-quarters of a century ago, and despite the many kaleidoscopic changes that have come over the character of governments throughout the face of the civilized world the basic division of parties in all countries adhering to a constitutional form government has been substantially along the lines suggested above.

In England the historic division has been along the lines of conservatism and liberalism, and while at the present time there are nominally three parties in England when the aims

and motives of these parties are subjected to a searching analysis we find that in reality they represent merely two divisions of opinion, the Conservatives standing for stability and order, while the Liberals and the Laborites are merely divided in their views concerning progress and reform.

In the countries of the continent the parties have been split into various minor subdivisions known as blocs, each bloc representing merely a different shade of either conservatism or liberalism, but in the main they adhere to the rigorous categorical classification of John Stuart Mill.

Ironically as it may seem, even within the ranks of the Socialist Party, the party which has presented the first definite economic program for government in the history of modern worlds, the same division along the lines of conservatism and liberalism, is to be found.

The right wing of the Socialist Party, as represented by the controlling Socialist interests in France and Germany, represent the conserving theory, the theory that the gains made by socialism should merely be conserved and that no further attack on constitutional government should be made; while the left wing as embodied in the principles of the dominating party in Soviet Russia, the bolsheviki, insist on a demolition of the present-day constitutional government and a complete and radical change in our economic structure.

In Italy, it might be stated parenthetically, a novel departure has been attempted from constitutional government.

The controlling party, the Fascisti, has adhered to the theory of the destruction of all other parties, the destruction of democracy itself, and the annihilation of parliamentary government by setting up the superstructure of a middle class dictatorship, but in my humble opinion this movement represents merely an economic trend in Italy to preserve the assets of the country and at the proper moment, when the rehabilitation of the economic life of Italy has been had, that country will unquestionably return to constitutional government.

When we make a primary examination of political conditions in America we find something very surprising; we find a definite trend in both parties toward conservatism, toward, in other words, stability and order and the retention of the present system in all its aspects.

This condition is primarily an outgrowth of economic changes brought about by the war which has made us financially and industrially the greatest Nation on the face of the globe and possibly the most powerful nation in an economic sense in the history of mankind.

The possession of earthly goods and property makes whole peoples, as well as individuals, conservative by its very nature and the present transitory period merely represents a degree of satiety on the part of the American people which is unprecedented in political history.

When we view and contemplate changes that might occur in the future, we see very clearly that such changes must mean merely a return to the old political and economic balance between the two major parties. One party must represent the forces of stability and order, be conservative by instinct and practice, and the other party must of necessity represent the forces of progress and reform and be liberal in its views.

We are dealing essentially with two different entities, one a political factor and the other an economic one. When we analyze both factors separately and then attempt to synchronize them into a whole in their application to the principles of the Republican and Democratic Parties, we shall see that both historically and economically, the Republican Party is destined to play the rôle of conservatism, while the Democratic Party, if it would but succeed, must present itself to the Nation as the party of progress, liberalism, and reform.

The economic changes that have come over the world since the beginning of the nineteenth century have been almost catastrophic in their nature.

When the people of enlightened countries saw the close of the eighteenth century, the railroad was but a mere dream, and sailboats paddled their leisurely way for three months across the Atlantic Ocean.

When the nineteenth century had closed an industrial civilization had been ushered into being in merely the span of one century that beggars description in the thoroughness of the changes it brought about. Railroads, factories, steamships, electricity, the phonograph, telephone and telegraph had all come into being, and so thoroughly changed the character of economic society that mere political changes, such as the establishment of a Republican Government in America or the downfall of autocracy in France, seem as mere ripples on the earth's surface.

These new economic and industrial changes marked the end of the agrarian feudal system and brought to life the factory system with all its accompanying benefits, and evils as well.

This industrial revolution promoted the rise of great cities, with their congested slums, their housing problems, their living problems, and also brought into being a conflict between those who employed human beings to work for them and those who were so employed. This conflict has been described as the conflict between capital and labor. In reality it is a more basic conflict. It is a struggle of one class to take advantage of enormous changes wrought by the genius of man and the struggle of another and larger class to prevent abuses and impositions.

This transitory system has now reached its climax, and we are living in the era of the perfect flower of the capitalistic system, an era when both capital and labor enjoy advantages that certainly could not have been conjured up in the minds of peoples in other times.

When our economic system has become so perfect, both through force of inventions and the concentration of enormous sums of money, it is difficult for us to conceive a system which from a purely monetary standpoint has reached such a high stage of perfection.

However, every system, regardless of the tremendous benefits it brings to the community at large must of necessity have its accompanying evils, and it is along the lines of attempting to remedy these accompanying evils that the two major parties of our country must take their stand either one way or the other, whether with the forces of conservatism, which refuses assistance to those who are suffering from the evils of the present economic system, or with the forces of liberalism and reform, which insists that those evils must be frankly and candidly recognized and ameliorated.

In the era prior to our entrance into the Great War, the Democratic Party under the inspiring leadership of that great statesman, whose name shall stand out as a shining light in the history of the world, Woodrow Wilson, had definitely taken its place with the progressive forces of the Nation, and by a rapid series of reforms, like the introduction of the Federal reserve system, to prevent the occurrence of panics and thus preclude the ruination of the great masses through unemployment, the Clayton Antitrust Act, which prevents undue combinations of capital to defeat the will of the majority, through the Adamson eight-hour law, which guarantees an eight-hour day to those employed on the railroads, and through the vast number of workmen's compensation, social insurance laws, child welfare, and widows' pension measures, adopted in the various States under the inspiration of President Wilson's leadership and by and through the efforts of the Democratic Party, the great party of Jefferson and Jackson had become definitely committed to a policy of liberalism and it faced the Nation as the liberal party of the United States of America.

A halt was called due to the hysterical period of the Great War and partially due, as outlined above, to the comfortable prosperity enjoyed by the American people.

Our work is still to be done. The Democratic Party can not succeed as a conservative party. There is room for only one party of stability and order in America, and that dubious distinction has been preempted by the Republican Party.

The Republican Party ever since the Civil War, and more frankly to-day, has definitely represented the interests of those who have managed to acquire tremendous wealth out of the natural resources and the culminating efforts of the American people, which represents the views of this great and, we must admit, somewhat useful class of citizens in its opposition to any social legislation, in its definite adherence to a policy of taxing the wealthy in a minimum degree, in its opposition to Government ownership of public utilities like railroads, waterworks, gas and electricity plants.

The Republican Party has a perfect right, and perhaps it is well for the Nation that it exercises that right, to play the rôle of conservatists, but the Democratic Party can not merely be satisfied with imitating the Republican rôle; it must play the part for which the principles of its great leaders and the doctrines of its early founders have cast it.

The Democratic Party must again frankly adhere to a platform of social reform, must again dedicate itself to a betterment of housing and living conditions, and it must once more stand forth as the steadfast defender of the great mass of labor against the monopolistic interests of the country.

It is only by being frankly what it was destined to be that the Democratic Party can ever achieve any measure of success.

Democrats can not furnish any opposition for Republicans in the conservative field, for that field represents a half century of Republican effort. The great bulk of conservative voters are Republican throughout the Nation, and by attempting to play a conservative rôle the Democratic Party must of necessity merely alienate hundreds of thousands of American men and women who have followed its standard even to defeat

rather than abandon the progressive principles for which it stood.

It is more important for the Democratic Party not to be wrong on any subject than for it to count the number of those who stand with it.

The principles of liberalism have suffered a slight eclipse in the decade following the Great War, but the eclipse is fast passing; economic changes are quickly readjusting themselves, and there is a crying need for the amelioration of economic abuses through political artifices.

This need was slightly indicated by the 5,000,000 votes cast in 1924 for Senator La Follette, who represented forces not only of liberalism but extreme radicalism, forces that were not merely committed to constitutional changes to aid the great mass of people but also advocated radical changes in our economic life and the absolute Government ownership of all utilities either of a public or quasi-public nature. Five million votes are not to be easily regarded, and it is safe to say that of this 5,000,000 at least 4,500,000 were votes of men and women who would be normally Democratic if the Democratic Party but devoted itself to its historic task.

The hysteria and reaction of the Great War is fast passing away and we are returning to normal conditions, and what is of greater importance, the psychology of the American mind is again becoming normal.

The sun of liberalism is once more shining through the dark clouds of bitter reaction and the Democratic Party must be prepared to once again accept the leadership of the liberal forces of the Nation. In so doing, it can not fail.

Representing these liberal forces of progress and reform, there is looming upon the Democratic horizon the militant figure of a man of destiny, coming from the sidewalks of New York, the great East Side, who in all probability will be called upon as the leader of Democracy of our Nation and their candidate for the Presidency of the United States. Al Smith, symbolizing and embodying in a life of public service the principle of progress and reform, will bring to the Presidency of the United States a fresh point of view that is wholly unfettered by hidebound traditions, and autocratic and aristocratic antecedents, and who will pierce through the meaningless entities of sovereignties and governments to the great benefit of the masses that compose the peoples of the world.

Al Smith who, in his work on the factory commission, that brought about workingmen's compensation and employers' liability, and on the commission to inquire into the subject of widows' pensions and child welfare, on which body I had the honor to serve with him, brought about greater social reforms through legislation than has been known in any State of the Union; who, in his labors as a delegate to the constitutional convention of 1915 grasped very clearly the need for administrative reorganization of the government of our State; and who, in his subsequent work as Governor of the State of New York has been able to breathe the spirit of humanity into the interpretation of the financial statements of our State government, will unquestionably approach international affairs in the same human, progressive, and socially minded spirit that has characterized all his efforts of almost a quarter of a century.

Voltaire once aptly declared that "we care most for those portraits which more nearly represent ourselves." It might similarly be said of Al Smith that we care most for him because we see in him the same lack of cant, of hypocrisy, and of a firm desire to move the status quo that are characteristic of the plain peoples of the world combined with that extraordinary common sense that has heretofore been the guiding light in all his deliberations.

The United States, which has come to be recognized as the strongest estate of modern times, possibly the strongest world power economically that civilization has ever known, without any pretense at maintaining a great colonial empire, with a distaste for both militarism and imperialism, can well find its leadership in its efforts to humanize international relations as well as to continue in its onward and forward march, fighting for progress and reform, can well afford to follow to victory the vigorous, militant, and virile figure of destiny, Alfred E. Smith.

MEXICAN IMMIGRATION

Mr. BOX. Mr. Speaker, numerous press reports which have been coming to my desk for several days from the Southwest bear such headlines as the following:

> Radicals working among local Mexicans—Four leaders arrested—Court denies habeas corpus writ for Mexican laborers—Sheriff issues warning to all valley Mexicans.

The character of the reports is indicated by the headlines quoted and leaves little doubt that a rather serious labor trouble exists in the Imperial Valley of California and perhaps other regions, in which Mexican aliens are forbidden to assemble in crowds, several leaders are arrested and jailed, and some of them heavily fined. It is said that great numbers of these alien peons are now threatened with deportation to Mexico on account of alleged lawless, radical conduct. I know nothing and do not pretend to speak of the merits of the labor trouble existing in that vicinity. Unless the leaders arrested, imprisoned, and fined are acting lawlessly, their arrest and imprisonment is not justified. If the conduct of the leaders and the imported Mexican peon laborers is as lawless as their treatment indicates, they constitute a bad element to have imported into the United States by scores of thousands annually.

In this connection I call the attention of the House to statements made by me before the House Committee on Immigration and Naturalization in support of the bill (H. R. 6465) for the restriction of Mexican immigration, in which I said:

> The uninformed and unthinking frequently take the view that very ignorant and badly downtrodden people are not dangerous under the influence of radicalism. The very reverse is true. The mobs of Ancient Rome, the peasants of France in the days of the French Revolution and Reign of Terror, and the parts recently played by Russian city workers, peasants, and serfs, all prove that such material is the best fuel for the fires of revolution. In proportion to her population, Mexico is now by far the most bolshevistic country in the Western Hemisphere.
>
> If there are representatives of the great sugar companies of the West here, I will suggest for their careful consideration the question whether or not they are not now disturbed about the prospect of trouble with the I. W. W. in the beet fields and elsewhere in the West. I will leave that with the representatives, if such there be here, for their earnest consideration. They know whether they are in the midst of those troubles or not.
>
> I understand that these Mexicans in the United States have leaders, Spanish and Mexican, who are able to lead them about as they lead their own people at home, where they create great disturbances; and under a more aggressive leadership in America, backed up by their own people taking part in this lawless disturbance, there is great danger that they and others like them will aggravate our situation.

I respectfully invite the attention of the membership of the House to the hearings conducted by our committee on my bill, H. R. 6465, and earnestly advise Members that the trouble mentioned in the press reports referred to is but a minor feature of the situation being caused by the mass importation of tens of thousands of these peons. Press reports indicate that their importers are attempting to jail some, overawe some, and cause others to be deported, and that they propose to refill the places of those jailed and deported by bringing in crowds of others of the same kind.

MUSCLE SHOALS

Mr. MORIN. Mr. Speaker, I present a conference report on Senate Joint Resolution 46 relating to Muscle Shoals and Dam No. 2 for printing in the RECORD.

RECOGNIZING THE HEROIC CONDUCT, ETC., OF OFFICERS AND CREWS OF THE U. S. S. "REPUBLIC," "AMERICAN TRADER," "PRESIDENT ROOSEVELT," "PRESIDENT HARDING," AND THE BRITISH STEAMSHIP "CAMERONIA"

Mr. WHITE of Maine. Mr. Speaker, I call up the conference report on the bill (S. 1609) recognizing the heroic conduct, devotion to duty, and skill on the part of the officers and crews of the U. S. S. *Republic, American Trader, President Roosevelt, President Harding,* and the British steamship *Cameronia.*

The Clerk read the conference report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1609) recognizing the heroic conduct, devotion to duty, and skill on the part of the officers and crews of the U. S. S. *Republic, American Trader, President Roosevelt, President Harding,* and the British steamship *Cameronia,* and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

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

WALLACE H. WHITE,
FREDK. R. LEHLBACH,
EWIN L. DAVIS,
Managers on the part of the House.

CHAS. L. MCNARY,
DUNCAN U. FLETCHER,
W. L. JONES,
Managers on the part of the Senate.

The conference report was agreed to.

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent to address the House for five minutes on the subject of general pension legislation, also the public-building program.

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

There was no objection.

PENSIONS—PUBLIC-BUILDING PROGRAM

Mr. KNUTSON. Mr. Speaker, as chairman of the Committee on Pensions I am frequently called upon by colleagues and others to define the several pension acts now upon the statute books. For the convenience of the membership of the House I herewith give a brief synopsis of the pension laws applying to all services, save those of the Civil and World Wars.

The act of July 16, 1918, was unsatisfactory in that it allowed Spanish war widows but $12 per month, with $2 per month additional for each child under the age of 16 years. Under that law the widow had to prove dependency, which was objectionable to many claimants.

The act of September 1, 1922, increased the rate to widows from $12 to $20 per month, with $4 per month for children under the age of 16 years. This act also eliminated the dependency feature. These rates were further liberalized by the act of May 1, 1926, which raised the rate to $30 per month, with $6 per month for each minor child under 16 years of age.

Commissioner of Pensions Scott characterizes the act of May 1, 1926, as the "best drawn and most liberal pension law ever enacted by an American Congress." It raised the rates for veterans of the Spanish War, Philippine insurrection, and Boxer rebellion to a maximum of $50 per month, with a rate of $72 where the pensioner requires the regular aid and attendance of another person. This act also waived the requirement that disability be service connected, thereby enabling many thousands of disabled to be placed upon the pension rolls. It gave a horizontal increase of 66 per cent.

Until the enactment of the Indian war act of March 3, 1927, generally known as the Leatherwood bill, we had dealt niggardly with those who made possible the settlement of the great West. Previous acts in their behalf had limited benefits to participants of wars specifically named, working an injustice on the survivors of other and equally important wars and campaigns. The Leatherwood law increased the rate from $20 to $50 per month to the soldiers, and widows pensions were increased to $30, with an allowance of $6 for each child under 16 years. This act also provides pensions for widows who have remarried but are now widows.

In closing I wish to embrace the opportunity afforded to commend my colleagues on the committee during the past eight years for their unselfish and intelligent cooperation in my effort to make the lot easier and happier for those who have served their country unselfishly and well in times of national stress. Work on the Pensions Committees of the two Houses of Congress entails much time, patience, judgment, and, above all, a sympathetic understanding and a sincere desire to relieve distress, when compatible with the general pension policy of the Republic. I am happy to say that each member of the Pensions Committee of the House has brought to his task on that committee the several attributes so necessary to its efficient and successful conduct, and for their unselfish help I acknowledge my profound appreciation and deep thanks.

While I have the floor I also wish to make a few observations on the public-building program.

GRANITE—THE ROCK OF AGES

The Federal Government has embarked upon the most pretentious public-building program in its history. New park areas are being laid out and a number of magnificent public buildings will be erected. The plan, when completed, will make the city of Washington the most beautiful capital in all the world. These buildings should be constructed with view to permanence, and in this connection I wish to call attention to the desirability of using granite.

To begin with, there is a psychology about granite that gives a feeling of absolute permanence, based upon the very foundation of the world itself. Granite is not a congealed mud or sedimentary stone. It is the most lasting building material known to man. What structures can compare with the great pyramids in Egypt, which are faced with granite similar to that found in the granite-producing districts of Minnesota?

St. Cloud granite has a minimum amount of pore space, which means minimum absorption; therefore, a minimum amount of expansion and contraction on account of varying temperature, resulting in minimum deterioration.

Of all stone, Minnesota granite has the greatest resistance to weather, hence is most adaptable for building purposes in a country with such a varied climate as ours.

Granite is the only building stone possessed of a true combination of beauty, strength, and durability. It has a wide range of colors, which is suited to many purposes.

Minnesota granite will not stain, fade, scale, or deteriorate; neither can it be marred, scarred, scratched, or damaged. Unlike some stones which fade and become lifeless when exposed to the elements, Minnesota granite retains its luster and polish and is as enduring as the rock of ages—symbolic of permanence.

While the initial cost of using granite is somewhat higher than for the softer stones, in the long run it is by far the more economical. The softer and lighter-colored stones require an elaborate and expensive method of cleaning, while Minnesota granite can be cleaned with brush and plain soap. This is a very important item in considering the expense of construction.

Building engineers are agreed that, prorated over a 20-year period, polished granite, whether for exterior or interior construction, is the cheapest material they can use. Its permanence obviates the necessity for replacing. Private building concerns recognize this very important item, and therefore use granite where permanence is desired.

Granite can not be equaled for memorials. For what could be more in keeping with the undying memory of a great man or deed than a structure built of the Nation's most durable stone.

Minnesota is the second largest granite-producing district in the world, and is capable of supplying all of the Nation's needs in the way of permanent building material, memorials, and monuments.

Minnesota granite producers operate the best mechanically equipped structural and memorial granite-manufacturing plants in the world, and improvements are being added constantly. I mention this so that those who are charged with executing the building program that we have recently embarked upon may know that Minnesota producers are equipped to handle all of the business that may be placed with them.

Mr. Speaker, the Republic will endure for all time to come, and we should construct our public buildings and memorials from material that will endure as long as the Republic stands. There is but one stone that will do this, and that is granite—the rock of ages.

FIVE-YEAR CONSTRUCTION FOR THE UNITED STATES BUREAU OF FISHERIES

Mr. WHITE of Maine. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 13383) to provide for a five-year construction and maintenance program for the United States Bureau of Fisheries, with Senate amendments.

The SPEAKER. The gentleman from Maine asks unanimous consent to take from the Speaker's table the bill (H. R. 13383), with Senate amendments, and agree to the Senate amendments.

The Senate amendments were read.

The SPEAKER. Is there objection?

Mr. CRAMTON. For the present I object.

BRIDGE ACROSS THE KANAWHA RIVER, DUNBAR, W. VA.

Mr. DENISON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 13399) authorizing the Baltimore Gas Engineering Corporation, a Maryland corporation, its successors and assigns, to construct, maintain, and operate a bridge across the Kanawha River at or near Dunbar, W. Va. The author of the bill, the gentleman from Virginia [Mr. ENGLAND] says that it is a matter of great urgency.

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

Mr. LAGUARDIA. Reserving the right to object, is this for their own use?

Mr. DENISON. That is what the author tells me.

The SPEAKER. Is there objection?

There was no objection.

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

A motion to reconsider was laid on the table.

FISCAL RELATIONS BETWEEN THE UNITED STATES AND THE DISTRICT OF COLUMBIA

Mr. SIMMONS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the subject of the fiscal relations between the United States and the District of Columbia.

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

There was no objection.

Mr. SIMMONS. Mr. Speaker and Members of the House, on February 21, 1928, during the consideration of the District of Columbia appropriation bill I discussed the subject of fiscal relations between the United States and the District of Columbia. The discussion at that time dealt largely with the subject

of taxes on real and tangible personal property—for it is from those two items that the greater part of the District revenues come. So far as I know, no one has questioned the figures offered to the House at that time.

Following that discussion, it was suggested by some Members that they would like to have a study made of various other tax items and sources on a comparative basis between the District and other taxing bodies. At the request of the then chairman of the Appropriations Committee, Mr. Madden, the Bureau of Efficiency is making such an investigation, with the expectation that it will be ready for the next session of the Congress. In the meantime, it is possible, and it seems advisable, to discuss some features of the tax situation not heretofore touched upon.

Time has not permitted me to go into the tax situation in detail in all the States or cities. The statement made and the question asked in the Senate by the Senator from Colorado [Mr. PHIPPS], that Washington's "taxes can not be made greater and that personal property rates are now entirely too high * * *. The limit has been reached. Does anyone doubt that Washington has practically reached the limit of her taxable resources?" I venture to answer that I doubt seriously that Washington has reached the limit of her taxable resources. Such an answer must be a comparative one—and for the purpose of comparison I have selected the Senator's State of Colorado and its great capital city, Denver.

Members may take this outline and by inserting their State and cities with their State and city rate determine whether the District of Columbia is undertaxed, overtaxed, or adequately taxed. Members, of course, will reach their own conclusions; mine is that the District is very much undertaxed, when compared with other cities.

Denver is about three-fifths the size of Washington. The city and county of Denver collected in 1927, $450,000 in auto-license fees from approximately 75,000 cars. Washington collected during the period $141,116 in auto-license fees from approximately 95,000 cars. The District of Columbia has the lowest auto-license tax in the United States. Colorado collects a license fee on passenger cars with a minimum fee of $5. In the District it is $1. Private commercial cars and trucks in Colorado pay from $10 to over $50. In the District the charge is $1. Passenger cars for hire have a minimum fee of $20 in Colorado with $1 extra for each seat over nine. In the District of Columbia the rate is from $6 to $12. Colorado charges an auto dealer a minimum fee of $20. Here dealers pay the regular rate for other cars. It is not practicable to analyze the 105,000 registrations in Washington, but a conservative estimate of the amount the District would collect if we had a license tax here equal to that in Colorado is $740,000. There is actually collected here $141,116. In Colorado the money collected from the license fees goes 50 per cent to the State fund for roads and 50 per cent to the county fund for roads. In the District license fees are placed in the general fund and used for general city purposes. In that the people of the District have a decided advantage over every other city in the United States.

In Maryland the license fees go into a special fund for expenses within limits of appropriation made by the general assembly. The balance goes one-fifth to the city of Baltimore and the remainder to the State roads commission for construction, maintenance, and repair of State highways.

In Virginia the auto-license fees go into a special fund expended under direction of the State highway commission for the maintenance and construction of roads and bridges included in the State highway system, including roads of the State highway system located in incorporated towns whose inhabitants do not exceed 2,500 or whose houses are located at least 200 feet apart.

In practically all the States the license fees are spent almost exclusively on country and out of the city roads.

Forty-four States of the Union levy a tax on gasoline. The average tax is 2.55 cents. Colorado levies a 3-cent-a-gallon tax. The District of Columbia has a tax of 2 cents per gallon. The city and county of Denver collected in 1927 $1,250,000 in gasoline taxes. In the District the collection was $1,057,850.02. If we had a 3-cent tax here as Colorado has the District would collect $600,000 more than it collected last year.

Maryland, the District's neighbor on the north, has a tax of 4 cents a gallon. If we levied that tax here the District treasury would receive $1,200,000 more than is now received.

Virginia, the District's neighbor on the south, levies a tax of 5 cents. If that tax were collected in the District we would have in the treasury here $1,800,000 more than is now collected.

There is in addition this very great difference between the District and the States of the Union. Let me illustrate with Colorado, Maryland, and Virginia as compared with the District. The gasoline tax collected in the District of Columbia must by law be appropriated exclusively for road and street improvement and repair within the city where it is collected. Thus the gas tax inures to the direct benefit of the city of Washington and its taxpayers.

In Virginia, unless changed by the last legislature, 66⅔ per cent goes to the construction of roads and bridges in the State highway system and 33⅓ per cent for construction of roads and bridges in the county highway system. Thus, money collected in the cities of Virginia is spent in and on county roads. Maryland's gasoline tax money goes into the State road maintenance fund and is expended by the State legislature for that purpose. Colorado's gasoline tax money goes 50 per cent to the State highway fund, 50 per cent to the counties in proportion to the number of miles of State routes and State highways in each county.

Similar provisions are in the laws of most of the States, provisions which provide that gasoline-tax money collected in the city be spent in the country, while in Washington gas-tax money collected here in the sum of $1,057,850.02 in 1927 is spent here on city streets relieving the taxpayer here of a burden that other city dwellers carry.

On February 21, 1928, when discussing the District of Columbia appropriation bill, I inserted in the CONGRESSIONAL RECORD, page 3369, a statement on comparative tax rates of cities made by the Detroit Bureau of Governmental Research. I again call it to the attention of the House and any others who may be interested. It is an independent study, made with no purpose to serve save to reach the truth. There taxes are adjusted to a uniform basis of 100 per cent basis of assessment, thus permitting a direct and correct comparison between cities. Further, there is an adjustment of rates to indicate what the actual tax rate would be were the full value used in assessing. Finally worked out, Washington's tax rate is fixed at $15.30 per $1,000—the District auditor says said rate should be $16.20, which, for our purpose here, I accept. Denver's rate in the same table is fixed at $25.52 per $1,000 of value. Thus, it will be seen that Denver pays a much greater tax than does Washington.

Had the taxpayer of Washington in 1927 paid a tax equal to that paid in Denver there would have been a real-estate levy here of $24,151,297 as against an actual levy in the District in 1927 of $17,034,614. In other words, if the District had had in 1927 a tax rate equal to the adjusted rate of $25.52 shown for Denver (the actual rate in Denver was $31.90 as against an actual rate in the District of $18) we would have had a tax levy in the District of $7,116,683 more than actually levied. This is based on a rate of $1.80 for Washington and $2.52 for Denver. But on a percentage basis, using again the Detroit table, the District figure is $16.20 to $25.52 for Denver, or Washington has a tax rate 63.5 per cent of that in Denver. Applying that percentage to the District levy we would collect here $29,011,169 as against an actual real-estate levy of $19,169,934, or if the District of Columbia paid a percentage basis equal to that of Denver we would collect here $9,841,235 more than is now collected on real estate.

These figures and those of the table show that if Washington is "taxed to the limit" then the other cities of the Nation including Denver are taxed much beyond the limit.

INHERITANCE TAX

Colorado levies an inheritance tax of from 2 per cent beginning with $2,500 up to 16 per cent on $500,000 or more. In 1927 the State of Colorado collected in inheritance and estate taxes $686,739.89. There is no such levy in the District of Columbia. Forty-five States of the Union levy an inheritance tax in some form.

CORPORATION TAXES—DOMESTIC

In Colorado no par value stock is assigned the value of $1 per share for initial taxes in domestic corporations. There is no such provision in the District of Columbia. Colorado charges a series of incidental fees for corporations beginning business. No such fees are charged in the District of Columbia.

FOREIGN

Colorado charges an admission tax on foreign corporations with a minimum fee of $30. No such fee is charged in the District of Columbia. Other incidental fees are charged for which there is no similar charge in the District of Columbia.

ANNUAL TAXES

Colorado charges an annual license tax on domestic corporations based on the total authorized capital stock beginning with a minimum fee of $10. There is no comparable tax in the District of Columbia. A fee is charged in Colorado for filing the annual report of domestic corporations. No such fee is chargeable in the District of Columbia. A like annual charge is made against foreign corporations doing business in Colorado. No such charge is made in the District of Columbia.

In the District of Columbia there is an exemption of $1,000 to the heads of families on household goods, etc. In Colorado it is $200. This is an exemption from taxation of practically all the homes of Washington. It has been estimated that the District would collect $748,000 more in taxes if the exemption of $1,000 were reduced to $200, such as Colorado and many of the States have.

If the District of Columbia levied taxes comparable to Denver's and had the exemption of $200 that Colorado gives her citizens it is estimated that there would be collected here $1,122,880 more than is now collected.

Colorado levies a license tax of 2 cents on each $1,000 capital stock in business in the State and 2 per cent tax on insurance-company gross premiums in the State. The District of Columbia levies a license tax of 1½ per cent.

Every State but five authorizes the levy of a poll tax in some form. Colorado levies a $3 road tax by road districts. There is no poll tax in the District of Columbia.

Washington's per capita tax levy for all purposes in 1926 was $36.87. Denver's was $48.70.

In 1926 Denver spent per capita for current expenses of schools $15.45, while Washington spent $14.77. In Denver the school expense was 38.1 per cent of the total city and school expense. In Washington it was 30.7 per cent.

In this connection it may be well to remember the statement of Mr. Theodore W. Noyes, editor and owner of the Washington Star, that "the approximately accurate standard of measuring comparative tax burdens is the per capita of taxes actually paid in the various cities."

The District of Columbia does not levy a general franchise tax on corporations which receive no special franchise or privilege.

The question is asked, "If the advocates of the plan (lump sum) believe that $9,000,000 was fair in 1924, how can they claim that the same sum is fair in 1929?" The answer is perfectly obvious. Nine million dollars was too much in 1924. It is too much in 1929.

There is such a variance in the laws of the States dealing with intangible property and many of the corporation taxes that a brief summary is not possible. I hope to be able to give the House the result of a detailed study of these two taxes next session. Nothing in my studies so far indicate an excessive or unusual tax in the District of Columbia in either the intangible or corporation-tax field.

However, I am able to give you a list of intangibles which are exempt from taxation in the District, which may be of value to members by way of comparison with their own States. The exemptions are:

EXEMPTIONS

1. Savings deposits of individuals in a sum not in excess of $500 deposited in banks, trust companies, or building associations, subject to notice of withdrawal and not subject to check.

2. Shares of stock of the local banks, including savings banks, the telephone and electric light companies, the gas companies, and street railway companies, the bonding and title insurance companies, and building associations, of the District of Columbia, and any other corporation paying a tax upon its gross receipts, earnings, premiums, etc.

3. Shares of stock of any business company incorporated in the District of Columbia, and receiving no special franchise or privilege in addition to incorporation, whose property, real and personal, or capital stock is subject to taxation here.

4. Shares of stock of business corporations which are incorporated in other jurisdictions, but chiefly for the purpose of doing business in the District of Columbia, and receive no other special franchise or privilege here, and whose property, real and personal, or capital stock, is subject to taxation here, and which are engaged in business here.

5. United States bonds. State, and municipal bonds, District of Columbia bonds, and such other bonds as are specifically exempted by Congress from taxation, are not subject to taxation under the intangible personal property act of the District of Columbia.

6. Deposits in bank and trust companies of corporations and individuals neither resident nor doing business in the District of Columbia.

7. Bank notes or notes discounted or negotiated by any bank or banking institution, saving institution, or trust company.

8. Savings institutions having no capital stock, building associations, fireman's relief associations, secret and beneficial societies, labor unions, and labor-union relief associations, beneficial organizations, paying sick or death benefits, either or both, from funds received from voluntary contributions or assessments upon members of such associations, societies, or unions.

9. Life or fire insurance companies having no capital stock.

10. Corporations, limited partnerships, and joint-stock associations within said District, liable to tax under the law of the said District on earnings or capital stock, shall not be required to make any report or pay any further tax under this section on the mortgages, bonds, and other securities owned by them, in their own right, but such corporations, partnerships, and associations holding such securities as trustees, executors, administrators, guardians, or in any other manner, shall return and pay the tax imposed by this section upon all securities so held by them as in the case of individuals.

11. National-bank stock is exempt from taxation under section 5219 of the United States Statutes. Such stock is taxed in the city or town where the bank is located and not elsewhere.

12. The exemption provided by law on deposits runs to the sum of $500, subject to notice of withdrawal, and not subject to check. Above that amount, the excess is taxable. As to stock held by individuals in building associations, the same ruling should be followed that applies to stock held in local banks—i. e., that such stock is exempt from taxation, whatever the amount held.

13. An individual residing elsewhere but having a bank deposit in the District of Columbia (as a matter of convenience) would not be taxable in this jurisdiction.

14. Proceeds from war-risk insurance.

Again the statement was made in the Senate that—

the rate of five-tenths of 1 per cent on the full value of intangibles is clearly unreasonable and above any rate exacted elsewhere in this country, so far as I have been able to learn.

Again I must call attention to the State of Colorado. Intangibles and tangibles are taxed exactly at the same rate in Colorado, according to my information. Denver's tax rate on all available information which we have is at least one-third more than that in Washington. But in Washington intangibles are taxed at 30 per cent of the rate on tangibles. Denver's rate is fixed by the Detroit bureau at $25.52—which applies to both tangibles and intangibles. That rate is decidedly favorable to Denver and yet the Washington rate on intangibles is $5. Or Denver's rate is not less than five times the Washington rate.

Is there any large city in your home State where grade-school children throughout the entire municipality can only attend sessions half a day because of lack of sufficient buildings? How many cities with a population of more than 100,000 inhabitants house many of their children in portable frame buildings with outside wash rooms?

The above question was asked in the Senate by Senator PHIPPS. The answer is that there was an actual enrollment in the schools of Washington March 12, 1928, in the elementary grades of 50,723. Of that number, slightly more than 5 per cent, or 2,674, were housed in 75 portable buildings, 65 being in the elementary schools and 10 in vocational and the seventh and eighth grades of the junior high.

On March 31, 1928, Denver had 75 children in part-time classes, 340 elementary-school pupils, and 200 junior high-school pupils in temporary quarters, 160 elementary-school pupils in portable buildings, and 180 in church rooms and gymnasiums—with modern facilities available in all temporary quarters. Thus Denver has a total of 880 pupils in temporary quarters as against 2,674 in Washington. Denver expects to eliminate all part-time and temporary quarters except for 125 elementary pupils this year. Denver in this respect would seem to be ahead of the District, but even Denver is "not without sin."

Again the statement was made that—

Irrespectiye of the rate of taxation I wish to state that my home city of Denver has more adequate school accommodations than Washington, the Capital of the Nation. We have better library facilities and better-cared-for streets. We do not have to wait for five years in order to obtain sufficient schools for our children, nor will we have to beseech Congress each year for that purpose. We have those schools now.

I submit the following for the consideration of the House:

Denver in 1925–26 had 23.8 pupils in daily attendance in junior high schools per teacher. Washington at the same time had one teacher for 19.5 pupils.

In the senior high schools Denver had one teacher for 22.3 pupils, while Washington had one teacher for 20.3 pupils.

In the elementary grades Denver had one teacher per 26.8 pupils, while Washington had one teacher per 25.8 pupils. In the kindergarten Denver had one teacher to 45.4 pupils, while Washington had one teacher for 16.5 pupils.

These figures are based on average daily attendance.

The city and county of Denver have a bonded indebtedness for—

Schools	$10,227,000
Water	21,573,600
Moffat Tunnel (Denver share)	13,613,600
Viaduct	260,000
Building site	500,000
Paving	763,000
Total	46,937,200

The District of Columbia has no indebtedness, bonded or otherwise, and is on a cash basis.

Not only has Washington no bonded or other indebtedness but on June 30, 1927, that city had to its credit in the Treasury of the United States a cash balance of $11,451,944.16, subject only to outstanding appropriation obligations amounting to $7,781,055.59, leaving a free and unencumbered cash balance of $3,670,888.57.

Denver had a per capita net city debt in 1926 of $112.95. Washington has none.

Complaint is made that while the United States grants considerably over $9,000,000 a year to the District for the general expenses of the District that it likewise granted in 1926 something over $115,000,000 in subventions to the States—and that therefore the Federal contribution here is as nothing in comparison and that the District is "slighted not favored" by the United States. What are the facts about this $115,000,000? First, the $9,000,000 plus which the District received from the Federal Treasury goes to pay the general operation costs of the city government. No other city in the United States receives such a contribution. As I have heretofore pointed out this contribution pays the entire cost of the public playgrounds, public buildings and parks, National Capital Park and Planning Commission, including $600,000 for the purchase of land, the Zoo, Anacostia development, the police department, the fire department and almost all the salary roll of the city amounting to over $2,000,000. I submit that it very materially relieves the taxpayer of Washington of his general tax burden. But what of the $115,000,000 contributed by the United States to the States? This data is found in Financial Statistics of States, 1926, prepared by the Department of Commerce, pages 28 and 76.

During that year the United States granted the States for education, $11,778,829. These contributions were for the support of State Universities and agricultural and mechanical colleges. There are none such in the District of Columbia supported by District funds and of necessity no such contribution can be made to the District.

For soldiers and sailors' relief and homes $896,008 was given to 28 of the States. Here a relief item is carried in the District bill, paid out of District funds to which the United States contributes. Eighty-four million one hundred and ninety-five thousand five hundred and forty-five dollars was contributed for cooperative construction of Federal-aid highways. The District received no such contribution. Were it the capital of a State or a city in a State and not the Capital of the Nation, Washington would have received no part of this money, for under the Federal aid act the money can not be spent on highways or streets of a municipality having a population of 2,500 or more, except streets along which, within a distance of 1 mile the houses average more than 200 feet apart. So that no city benefits from that fund, and while Washington does not either, it should not be overlooked that Washington does receive Federal money to help build, repair, and maintain its streets, and that no other city has that advantage or help, so far as I have been able to determine.

Eight million three hundred and twenty-nine thousand three hundred and eighty-one dollars went to the aid of agriculture—from which Washington receives the same indirect benefit that any city receives.

One million thirty-five thousand seven hundred and thirty-two dollars was contributed to 44 of the States for health aid, largely, I understand, for carrying out the provisions of the maternity act.

Nine million two hundred and thirty-seven thousand three hundred and ten dollars went in miscellaneous contributions of one sort and another to 31 of the States.

So while it sounds formidable to say that the Federal Government contributes $115,000,000 to the States, an examination of the contributions and their purposes disclose that there has been no contribution of any appreciable amount to cities as such comparable in any way with the contribution made to Washington and that Washington receives the same benefits that other cities receive from the $115,000,000 of United States money.

What was the effect of the Senate amendment which we were asked to accept? They said they wanted us to return to the substantive law of 60–40. The Senate amendment called for a return of 60–40, and specifically provided that the tax rate of $1.70 should not be changed. In that they asked to change the substantive law, for at the present time the law requires a tax rate sufficient to raise funds to meet the appropriation, and if we accept 60–40 a tax rate of $1.70 is 50 cents too much. The Senate then specifically decided that Washington is not overtaxed. The Senate does not propose to lower the taxes in Washington. What then do they do? They proposed to create a surplus of $6,723,000 to the credit of the District of Columbia. It was to come exclusively from the Treasury of the United States. The practical effect, then, of the Senate action was to establish the principle of percentage contribution on the basis of 60–40 and take $6,723,000 from the Treasury of the United States and give it to the District.

The substitution of one-third and two-thirds instead of 60-40 has been proposed. What does that mean? With the continuation of the $1.70 tax rate it would mean a surplus in the District treasury for 1929 of over $4,000,000. It would mean a contribution by the United States this year of not $9,000,000 but of $11,421,325, from which there would be a return to the United States of about $700,000, or a net contribution by the United States of about $10,700,000.

Next year, without increasing the District tax in any way, the bill could go to $44,750,000, and the Federal contribution would be approximately $13,792,000, against which there would be a return payment of about $800,000, or a net contribution of $13,000,000 a year by the United States would be the result of adopting one-third and two-thirds as a basis of fiscal contribution.

But what is the purpose of all this? In the RECORD, page 5501, is inserted a list of improvements totaling $83,000,000 that the city developers want. They are: An airport, $1,500,000; farmers' produce market, $1,000,000; sewers, $10,000,000; garage shops, incinerators, and so forth, for city refuse division $800,000; bridges, $4,000,000; municipal center and municipal buildings, $19,000,000; opening and extension of streets, $4,000,000; public-library extension, $1,696,000; city-hospital extension, $3,150,000; District Training School and other welfare buildings, $1,400,000; a new jail, $500,000; additional school buildings, $11,000,000; elimination of grade crossings, $680,000; water-front development, $3,691,000; additions at the zoo, $1,145,000; public buildings and parks, $4,501,600; National Capital Park and Planning Commission, $15,000,000. It will be noted that this is a fairly ambitious program for any city. But in this respect the fact should not be lost sight of that about 25 per cent of the amount annually appropriated for Washington takes care of improvements of this character, so that during the next five years over one-half of these improvements will be normally provided for. This would leave only $38,000,000 in improvements instead of $83,000,000 not provided for. With the increased revenues of the District arising from property-value increases the remaining $38,000,000 of this program will be largely met within the next five years.

Obviously the improvements are municipal and but remotely, if at all, connected with the Federal establishment here. Any city of the United States save Washington would expect to pay for these improvements, probably by a bond issue or issues. How do the people of Washington propose to pay for these improvements? The answer is they do not propose to pay for them. They expect the United States Government to pay for them. If they are ever successful in their present campaign to establish the 60–40 plan, the United States Government will pay for them.

The Senate has determined that the $1.70 tax rate shall continue. As the District develops, of course, there will be increased assessments and more taxes. But based on the present revenue collections, the estimated revenues for 1928 will be $27,585,000. Neither the House nor Senate provisions changed that. Figuring, then, that at 60 per cent, the amount payable by the United States representing 40 per cent, would be not $9,000,000 plus, as at present, but $18,380,000. Or a total amount can be appropriated under 60–40, continuing the $1.70 tax rate, of $45,965,000. To this should be added the gas tax and water fund of $3,400,000, making a grand total of $49,365,000. The Senate bill carries $38,151,000, or $11,214,000 less than could be appropriated under 60–40 and the $1.70 tax rate. Thus it will be seen that the purpose behind the desire to return to 60–40 is not to reduce the taxes, for the Senate has rejected that. The purpose is to compel the people of the United States to pay for a great municipal improvement program of $83,000,000 in the District of Columbia, and if we had accepted the Senate proviso the House would have accepted a program of city development at United States expense.

In my statement to the House February 21, 1928, I stated that the removal of the property in the "triangle area" that is being purchased by the Government would not decrease revenues of the District. That statement was based on the assessor's testimony that the money paid for the triangle property would be spent for new improvements on other tax-paying sites subject to taxation.

The statement is also made that Washington is assessed for more than full value in the business area.

The Southern Railway Building is being purchased by the Government at a cost of $2,680,000. It was assessed at $1,749,240, and paid taxes of $29,727. They have repurchased a site and propose to build a new building at Fifteenth and K Streets.

They have purchased 11 different units at a cost of $1,601,500. The property purchased was assessed at $951,494. The Southern Railway Co. paid assessed value plus 70 per cent for this property. They will place thereon a new building costing as much or more, I am informed, than the building which is being taken over by the Government. The District will therefore lose nothing in revenues by that transaction, which illustrates the principle laid down by the assessor.

This statement is submitted as an outline for those who desire to give further study to this question. It supports the conclusion that the Congress has repeatedly reached that the property of Washington is not overtaxed and that the United States has been, is now, and will continue to deal justly and liberally by the people of the Capital City.

APPORTIONMENT OF PRESIDENTIAL ELECTORS

Mr. McLEOD. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD upon the bill (H. R. 13712) to apportion the electors in the election of President and Vice President and to enforce the provisions of Article II, section 1, clause 2, of the Constitution of the United States.

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

There was no objection.

Mr. McLEOD. Mr. Speaker, in further support of the arguments I have already set forth, as to the necessity of acting at once on H. R. 13712, which would apportion electors in the coming presidential election, and enforce Article II of the Constitution by giving eight of the great States of the Union their rightful vote for President and Vice President, I urge consideration of the following opinion:

The only matter questioned in the committee was the purpose of the statute which it is sought to amend, and the meaning of the words in the Constitution, Article II, which read, "may be entitled," with reference to the number of electors.

In reply to the assertion, in connection with H. R. 13712, that Congress has not the power to apportion electors for President and Vice President among the several States on the basis of a census which would produce a different result from that which would obtain if the existing apportionment of Representatives in Congress were to continue to govern the number of electors to be chosen, I wish to offer the following in further support of my contention: Congress not only has the power but is subject to a constitutional duty to pass the above-mentioned bill at once, which I introduced before the Congress on May 12, 1928.

My bill, H. R. 13712, would amend a statute enacted in 1792. It would change no other law. The following proposition, therefore, appears to be self-evident, that if Congress has not the power to amend this statute, then the Second Congress, in 1792, had not the power to enact the statute, because all powers of Congress are derived from the same source; that is, the Constitution of the United States and particularly in this instance from Article II, section 1, clause 2—

> Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in Congress.

And so forth.

It is clear there is no express grant of power to Congress in this clause. The difficulty arises out of the reference to the number of Senators and Representatives to which the States "may be entitled" in Congress.

A different and entirely separate article of the Constitution, namely, Article I, section 2, clause 3, provides a general rule for determining the number of Representatives to which the several States may be entitled, as follows:

> Representatives and direct taxes shall be apportioned among the several States which may be included within this Union according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of 10 years, in such manner as they shall by law direct.

In other words, the Constitution says, so far as we are concerned here, Representatives shall be apportioned among the several States according to their respective numbers, to be determined by a decennial census. Something is left to be done by Congress to determine the number of Representatives to which the several States may be entitled, as their populations of the respective States from time to time change relationship one with the other. But this power left to Congress can not rise higher than the Constitution from which it derives its authority; Representatives shall be apportioned according to a periodic census. Congress is subject to a constitutional duty to reapportion the Representatives on the basis of each succeeding decennial census, after the first census, which is taken in accordance with the provisions of the Constitution. On this point I quote from the reports of the proceedings of the Constitutional Convention by Madison, page 352:

> Mr. Randolph's motion requiring the legislature to take a periodical census for the purpose of redressing inequalities in the representation was resumed.
>
> Mr. Sherman was against shackling the legislature too much. We ought to choose wise and good men and then confide in them.
>
> Mr. MASON. The greater the difficulty we find in fixing a proper rule of representation, the more unwilling ought we to be to throw the task from ourselves on the general legislature. He did not object to the conjectural ratio which was to prevail in the outset; but considered a revision from time to time according to some permanent and precise standard as essential to ye fair representation required in the first branch. According to the present population of America, the northern part of it had a right to preponderate, and he could not deny it. But he wished it not to preponderate hereafter when the reason no longer continued. From the nature of man we may be sure that those who have power in their hands will not give it up while they can retain it. On the contrary, we know they will always, when they can, rather increase it. If the Southern States, therefore, should have three-fourths of the people of America within their limits, the northern will hold fast the majority of Representatives. One-fourth will govern the three-fourths. The Southern States will complain, but they may complain from generation to generation without redress. Unless some principle, therefore, which will do justice to them hereafter shall be inserted in the Constitution, disagreeable as the declaration was to him, he must declare he could neither vote for the system here, nor support it in his State. * * *.
>
> Mr. Williamson was for making it the duty of the legislature to do what was right and not leaving it at liberty to do or not do it. He moved that Mr. Randolph's proposition be postponed in order to consider the following: "That in order to ascertain the alteration that may happen in the population and wealth of the several States, a census shall be taken of the free white inhabitants and three-fifths of those of other descriptions on the first year after this Government shall have been adopted and every year thereafter; and that the representation be regulated accordingly."
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> Mr. Randolph agreed that Mr. Williamson's proposition should stand in the place of his. He observed that the ratio fixed for the first meeting was a mere conjecture; that it placed the power in the hands of that part of America which could not always be entitled to it; that this power would not be voluntarily renounced; and that it was consequently the duty of the convention to secure its renunciation when justice might so require by some constitutional provisions. If equality between great and small States be inadmissible, because in that case unequal numbers of constituents would be represented by equal number of votes, was it not equally inadmissible that a larger and more populous district of America should hereafter have less representation than a smaller and less populous district? If a fair representation of the people be not secured, the injustice of the Government will shake it to its foundations. What relates to suffrage is justly stated by the celebrated Montesquieu as a fundamental article in republican governments. If the danger suggested by Mr. Gouverneur Morris be real, of advantage being taken of the legislature in pressing moments, it was an additional reason for tying their hands in such a manner that they could not sacrifice their trust to momentary consideration. * * *

So long as Congress performs the above-mentioned constitutional duty regularly, the apportionment of electors is automatically effected. The framers of the Constitution believed that Congress must necessarily always perform this duty with reasonable promptness, and that therefore no further question would arise. I quote an excerpt from the statement of Hamilton or Madison in the Federalist, No. LVIII, of February 22, 1788:

> Those who urge the objection seem not to have recollected that the Federal Constitution will not suffer by a comparison with the State constitutions in the security provided for a gradual augmentation of the number of Representatives. The number which is to prevail in the first instance is declared to be temporary. Its duration is limited to the short term of three years. Within every successive term of 10 years a census of inhabitants is to be repeated. The unequivocal objects of these regulations are, first, to readjust from time to time the apportionment of Representatives to the number of inhabitants, under the single exception that each State shall have one Representative at least; secondly, to augment the number of Representatives at the same periods, under the sole limitation that the whole number shall not exceed 1 for every 30,000 inhabitants. * * *
>
> There is a peculiarity in the Federal Constitution which insures a watchful attention in a majority both of the people and of their

Representatives to a constitutional augmentation of the latter. The peculiarity lies in this, that one branch of the legislature is a representation of citizens, the other of the States. In the former, consequently, the larger States will have most weight; in the latter the advantage will be in favor of the smaller States. From this circumstance it may with certainty be inferred that the larger States will be strenuous advocates for increasing the number and weight of that part of the legislature in which their influence predominates. And it so happens that four only of the largest will have a majority of the whole votes in the House of Representatives. Should the representatives of the people, therefore, of the smaller States oppose at any time a reasonable addition of Members, a coalition of a very Few States will be sufficient to overrule the opposition; a coalition which, notwithstanding the rivalship and local prejudices which might prevent it on ordinary occasions, would not fail to take place when not merely prompted by common interest but justified by equity and the principles of the Constitution.

We know how far away our country has grown from the forces and circumstances which Hamilton predicted, in the foregoing statement, would invariably operate to force regular reapportionments of the Representatives. We note also how unfounded were the beliefs of numerous other framers of the Constitution (shown in excerpts from the Madison Debates quoted above) that they had provided a guarantee in the Constitution that reapportionment of Representatives would be made at frequent intervals.

Since a deadlock in Congress, such as we have experienced over the past eight years, has occurred over the question of apportionment of Representatives, the question arises as to whether the apportionment of electors shall also be defeated.

Regardless of its failure to perform the aforementioned constitutional duty, Congress still has full power as to the determination of its own membership. But as the choosing of electors has to do solely with the election of President and Vice President, it is not to be supposed that a Congress, acting in defiance of constitutional duty, continues to have full power over the machinery for the election of President. Such a condition is repugnant to the theory of separation of powers in our Government. It is also repugnant to the express words of the Constitution and the interpretation placed upon those words by the framers of the Constitution in the convention.

Madison Debates, page 412:

Mr. WILSON. It seems to be the unanimous sense that the Executive should not be appointed by the legislature unless he be rendered ineligible a second time; he perceived with pleasure that the idea was gaining ground of an election mediately or immediately by the people.

Mr. MADISON. If it be a fundamental principle of free government that the legislative, executive, and judiciary powers should be separately exercised, it is equally so that they be independently exercised. There is the same and perhaps greater reason why the Executive should be independent of the legislature than why the judiciary should. A coalition of the two former powers would be more immediately and certainly dangerous to public liberty. It is essential, then, that the appointment of the Executive should either be drawn from some source, or held by some tenure, that will give him a free agency with regard to the legislature.

I also quote from a statement by Alexander Hamilton in the Federalist, No. 68, March 14, 1788:

The mode of appointment of the Chief Magistrate of the United States is almost the only part of the system of any consequence which has escaped without severe censure, or which has received the slightest mark of approbation from its opponents. The most plausible of these, who has appeared in print, has even deigned to admit that the election of the President is pretty well guarded. I venture somewhat further and hesitate not to affirm that if the manner of it be not perfect, it is at least excellent. It unites in an eminent degree all the advantages the union of which was to be wished for.

It was desirable that the sense of the people should operate in the choice of the person to whom so important a trust was to be confided. This end will be answered by committing the right of making it not to any preestablished body but to men chosen by the people for the special purpose, and at the particular conjuncture.

It was equally desirable that the immediate election should be made by men most capable of analyzing the qualities adapted to the station and acting under circumstances favorable to deliberation, and to a judicious combination of all the reasons and inducements which were proper to govern their choice. A small number of persons, selected by their fellow citizens from the general mass, will be most likely to possess the information and discernment requisite to such complicated investigation.

It was also peculiarly desirable to afford as little opportunity as possible to tumult and disorder. * * * Nothing was more to be desired than that every practicable obstacle should be opposed to cabal, intrigue, and corruption. * * * They have not made the appointment of the President to depend on any preexisting bodies of men who might be tampered with beforehand to prostitute their votes, but they have referred it in the first instance to an immediate act of the people of America, to be exerted in the choice of persons for the temporary and sole purpose of making the appointment.

Congress, therefore, as a preestablished and preexisting body of men in the sense referred to by Hamilton, was intended to be excluded from having any influence in the selection of the Chief Executive. The election of President is a governmental function of equal dignity with the powers of Congress, both subject to the same Constitution. It can not be argued, therefore, that the machinery for the former was intended to be so incidental to the exercise of the powers of the latter as necessarily to stand or fall together.

Farrand, in his Records of the Federal Constitution, volume 3, page 382, quotes a debate in the United States Senate January 23, 1800, as follows:

Mr. C. Pinckney, of South Carolina, * * * remembered very well that in the Federal convention great care was used to provide for the election of the President of the United States independently of Congress; to take the business as far as possible out of their hands. The votes are to be given by electors appointed for that express purpose, the electors are to be appointed by each State, and the whole direction as to the manner of their appointment is given to the State legislatures. Nothing was more clear to him than that Congress had no right to meddle with it at all; as the whole was intrusted to the State legislatures, they must make provision for all questions arising on the occasion.

Mr. Baldwin, of Georgia, * * * must say for himself * * * that the Constitution in directing electors to be appointed throughout the United States * * * for the express purpose of intrusting the constitutional branch of power to them, had provided for the existence of as respectable a body as Congress, and in whom the Constitution on this business has more confidence than in Congress. * * *

Suppose, then, Congress should continue indefinitely, as it has done since 1920, to refuse to reapportion its membership on the basis of a periodical census. Would anyone contend that the apportionment of electors could not be changed? Or if the apportionment of electors were not changed for 10 or 15 or 20 years simply because Congress failed to apportion its membership for that long time, would anyone contend that at the end of that period each State would have the number of electors to which it was "entitled" in accordance with the Constitution? Certainly not. On this theory the election of a President could be made to depend absolutely on the action of Congress in that the latter could bring about a result contrary to the will of the people.

It is clear, therefore, that apportionment of electors is not necessarily a consequence of apportionment of House membership. Conversely, apportionment of the House membership is not necessarily a consequence of an apportionment of electors, for the House may agree on the number of Representatives to which the several States may be entitled and at the same time may refrain from accepting those respective numbers of members from the several States. But the performance of the first part of the duty is sufficient to formulate a uniform rule for an apportionment of electors, which is all that is sought under the bill in question.

Remembering that Congress would thereby create no additional obligation upon themselves to reapportion the membership of the House according to such agreement, suppose for the moment that such an obligation were created. Suppose, as Mr. Page suggested previously in this hearing, that such an agreement by Congress would be tantamount to an apportionment of Representatives. Has not Congress full power to do the complete act? It would not be a violation of the powers of Congress even if the passage of the proposed bill should be construed in the latter manner. But I do not think it necessary so to construe it. The apportionment of electors and the apportionment of Representatives under conditions now obtaining in Congress are separable questions. The Second Congress of the United States, as reported in the Annals of Congress, volume 2, pages 405, 406, dealt with both apportionment of electors and apportionment of Representatives simultaneously, but by separate bills, considered in different committees. One was acted upon without reference to the consideration of the other. One relates to the executive branch of the Government and the other to the legislative branch. One refers to Article II of the Constitution, the other refers to Article I.

And this should also be borne in mind: So long as Congress merely designates the number of electors to which the several States shall be entitled it is at least complying with Article II of the Constitution in its exact language, whereas if Congress does not apportion electors and does not reapportion the membership of the House it will fail to comply with either Article I or Article II of the Constitution. The former appears plainly

to be the more constitutional and by far the less blameworthy of the two courses.

The next question is one of policy. Unless this bill is enacted during the present session of Congress, in the election of President and Vice President next fall, eight States will be deprived of 12 electoral votes to which, by the census of 1920 they are entitled, and these 12 votes will be cast by 11 other States which, according to the same census, have no equitable or just claim to them. The result in the case of a close contest may be a disputed election, and much dangerous and destructive confusion throughout the United States will result.

The Second Congress of the United States, in 1792, when they enacted the statute which this bill would amend, felt that they were impelled by a strong public policy. When I have finished with my next observation, I am sure it will be unanimously agreed that not only will my proposed amendment not subvert the policy which the Second Congress had in mind, but will actually serve that same public policy much more effective under present circumstances than the existing statute. And to my mind, it will accomplish this result in accordance with the Constitution, whereas, as I have shown above, there are reasons for grave doubt that the statute as it stands is in accordance with the Constitution.

The debate in Congress, as reported in the Annals of Congress, volume 2, pages 405, 406, upon the passage of the section which is now title 3, chapter 2, section 2 of the United States Code (R. S. 132) is as follows:

Mr. Gerry moved to insert a clause which specified that "the electors shall be equal to the number of Senators and Representatives to which the several States may by law be entitled at the time when the President and Vice President thus to be chosen should come into office: *Provided, always*, That where no apportionment of Representatives shall have been made after any enumeration, at the time of choosing electors, then the number of electors shall be according to the existing apportionment of Senators and Representatives."

Mr. MURRAY. * * * The present representation in Congress is by no means equal; the States, in their conventional deliberation, produced the present proportion of Representatives more from compromise than authenticated data; no census had then measured to the public the proportions of population which one State bore to another; and Representatives, including Senators and electors of President and Vice President, being the same in number, and the scale of Representatives being unfounded in facts and evidence, the inequality which is evident is not to be wondered at. This proposition remedies the inequality; the proviso was not perfectly agreeable to his wishes, but as it refers the number of electors to a scale of representation ascertained by an actual enumeration, and at the same time will remove the probability of confusion by making each State uniform with others as to the rule of fixing the number of electors, he should vote for it.

We are now confronted with a situation in which the statute of 1792 no longer "refers the number of electors to a scale of representation ascertained by an actual enumeration," as intended by the Constitution. There is "evident inequality" now to be corrected just as there was then. The policy which the Second Congress had in mind, of making a uniform rule among the various States for the determination of the number of electors, is made much clearer and more effective by my proposed amendment than it will be in the coming election of President under the statute of 1792.

Gentlemen, you can not escape one of the following conclusions: First, Congress has not the power under the Constitution to pass a statute governing the number or distribution of electors, and therefore in order to avoid future confusion section 2, of chapter 2, of title 3 of the United States Code should be repealed; or, second, Congress has the power under the Constitution to pass a statute apportioning electors, and as a matter of policy under present conditions should and must pass H. R. 13712.

I have shown above that if you choose the first alternative, you must be prepared to accept the doctrine that each State is the sole judge of the number of electors to which it is entitled, with the consequent possibility of confusion. I believe, therefore, that you must admit the existence of a power, although limited by the words of the Constitution, whereby Congress may enact such an amendment as I propose, and I believe you must acknowledge the wisdom and justice of enacting this proposed amendment immediately.

The text of my bill is as follows:

Be it enacted, etc., That title 3, chapter 1, section 2 of the United States Code (Rev. Stat. sec. 132), be, and the same is hereby, amended to read as follows:

"The number of electors shall be equal to the number of Senators and Representatives to which the several States are by law entitled at the time when the President and Vice President to be chosen come into office: *Provided*, That in any election prior to an apportionment of Senators and Representatives on the basis of the enumeration of 1920, or any subsequent enumeration, the electors shall be apportioned among the several States as follows: Alabama, 12; Arizona, 3; Arkansas, 9; California, 16; Colorado, 6; Connecticut, 8; Delaware, 3; Florida, 6; Georgia, 14; Idaho, 4; Illinois, 29; Indiana, 14; Iowa, 12; Kansas, 9; Kentucky, 12; Louisiana, 9; Maine, 5; Maryland, 8; Massachusetts, 18; Michigan, 17; Minnesota, 12; Mississippi, 9; Missouri, 16; Montana, 4; Nebraska, 7; Nevada, 3; New Hampshire, 4; New Jersey, 15; New Mexico, 3; New York, 45; North Carolina, 13; North Dakota, 5; Ohio, 26; Oklahoma, 10; Oregon, 5; Pennsylvania, 38; Rhode Island, 4; South Carolina, 9; South Dakota, 5; Tennessee, 12; Texas, 21; Utah, 4; Vermont, 3; Virginia, 12; Washington, 8; West Virginia, 8; Wisconsin, 13; and Wyoming, 3."

ADDRESS OF HON. CHARLES W. PARKER, LL. D.

Mr. GRIFFIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein an address made by Hon. Charles W. Parker, of New Jersey, upon the occasion of a presentation of a tablet to St. Ann's Church in the Bronx, N. Y., commemorating the life and work of Lewis Morris, the first Colonial Governor of New Jersey, and in that connection—if I may be indulged a moment—permit me to say that I am prompted to renew this request because I have ascertained since Tuesday that we have two Members in this House who are the direct descendants of the Morris family, namely, the gentleman from New York, Mr. HAMILTON FISH, and the gentleman from Virginia, Mr. R. WALTON MOORE.

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

There was no objection.

Mr. GRIFFIN. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following address delivered at the unveiling of a tablet to his memory at St. Ann's Church, corner One hundred and fortieth Street and St. Anns Avenue, Morrisania, Borough of the Bronx, New York City, under the auspices of the Society of Colonial Wars in the State of New Jersey, by Charles W. Parker, LL. D., justice of the Supreme Court of New Jersey, April 21, 1928:

LEWIS MORRIS, 2D, FIRST COLONIAL GOVERNOR OF NEW JERSEY

The task allotted to me to-day is an agreeable one. As a Jerseyman and representative of a line of Jerseymen extending back some 250 years as residents of Perth Amboy, the capital of the Province, and of Woodbridge, and still earlier of Staten Island in New York, it has been most interesting to review the events connected with the separation of the colonial governments of those two Provinces; as a present resident of Morristown, in the township of Morris and county of Morris, like interest has attached to a somewhat hasty, though I trust not too superficial, inquiry into the life and character of the first colonial Governor of New Jersey as a separate political organization; a man of strong and vigorous personality, whose honesty has never been successfully impugned and who left his impress on posterity in the form of many distinguished descendants, among whom we may mention his son, Robert Hunter Morris, chief justice of New Jersey from 1738 till 1764; his grandson, Robert, first chief justice of New Jersey under the Constitution of 1776 and later judge of the Federal court; another son, Lewis, born 1698, chief justice of the admiralty court of New York; his son, Lewis, born 1726, signer of the Declaration; his son Lewis, graduate of Princeton 1774, aide to Generals Sullivan and Greene in our Revolution; and Gouverneur Morris, brother of Lewis, the signer, born 1752, delegate to the Constitutional Convention, minister to France under the Directory, and United States Senator; Gouverneur Morris the second, veteran of the Mexican War; Gouverneur Morris the third, founder of this sweet old church, which he built in memory of his mother, and in whose God's acre within sound of my voice there rest nearly a score of his honored kinsmen.

Returning to the subject of our sketch, his father Richard and uncle Lewis were prominent Roundheads, and fought in the Cromwellian wars. The family crest, a blazing castle, has been ascribed to an exploit of his uncle Lewis at that period, though that origin is open to doubt. This uncle Lewis, after serving in England under Cromwell, was sent by him in 1654 as an officer in an expedition to the West Indies, and was second in command at the attack on Jamaica.

Later he settled at Barbados, and after the Restoration in 1660 political considerations and property interests led him to remain in the West Indies until 1674. Richard, the father of Gov. Lewis Morris, had also been an officer in Cromwell's army, and finding the climate of England unhealthy after the Restoration, had gone to Barbados, removed to New Amsterdam, which was then under Dutch control, bought up several thousand acres which was later erected into a manor and which is still known as Morrisania, and settled thereon. There Lewis Morris, afterwards chief justice and governor, was born late in 1671. He made a very poor start in life; his

mother died when he was but a few months old, and his father did not long survive her, dying in 1672 or 1673. In the following year Uncle Lewis came to this country from Barbados, settled at Morrisania, assumed charge of the rearing of young Lewis, and made him his heir.

We read in Gordon's History of New Jersey that "the early years of the nephew were wild and erratic," and in Smith's New Jersey, that in 1683, in one of the several considerable disturbances in the Province (of New Jersey), especially about Middletown and Woodbridge, Lewis Morris, afterwards Governor of New Jersey, being a party, was taken prisoner and confined in a log house; his partisans pried up the logs high enough for him to creep out." A rather precocious performance for a boy of 12; the chances are that it was his uncle or some other Lewis. (Papers, p. 6, note.) We read further, that in one of his youthful freaks he strolled away to Virginia and thence to Jamaica, where he undertook to support himself as a scrivener; from which it would seem that he had early acquired some knowledge of the law and its formulas. Having sown his wild oats, he returned to New York and made his peace with his uncle, who died in May, 1691, when Lewis was about 20, leaving a will so mutilated by erasures and interlineations as to raise serious legal questions which Lewis happily solved by fair settlement with the holders of outstanding claims, insomuch that he was never disturbed in the enjoyment of this great property. Would that he had always been so tactful and diplomatic!

The next important event to note is his marriage, November 3, 1691, to Isabella Graham, daughter of the attorney general of New York. With her he lived 55 years and by her had 12 children, only 4 of whom, 2 sons and 2 daughter, survived him.

New Jersey seems to have had much attraction for him; and now, at his majority, we find him in Monmouth County, perhaps drawn there by business considerations, for he owned a tract called Tintern of between three and four thousand acres, comprising iron mills as well as farms. The name still survives as that of the village of Tintern Falls, a few miles west of Long Branch. By this time he was sufficiently learned in the law to be appointed one of the judges of the "Court of Common Right" of New Jersey under the still-existing proprietary government. We learn from Judge Field's valuable paper on the provincial courts of New Jersey that this court was a new venture in the field of judicature—at least by that name. Organized in 1682 it had all the powers of our New Jersey Supreme Court, civil and criminal, and in addition full equity powers, which, however, were seldom exercised. At first its home was Elizabeth Town, but in 1686 it was moved to Perth Amboy, a town with a most interesting history, retaining its quaintness and charm up to my time, though robbed of all that later on by the discovery of clay and the combination of railroads with frontage on tidewater. This court was composed of from 6 to 12 members, and the appointment of Morris as one of them seems to speak of his abilities as well as of his political consequence and status as a substantial citizen; indeed, he must be classed as a young man of great wealth, owning about 3,000 acres of manor at Morrisania and 3,560 acres in Monmouth County, and a considerable number of slaves on each of these properties. This appointment as a judge was in 1692, and I assume that his tenure lasted until the famous "surrender" of the proprietors to the Crown in 1702, of which so much has been said and written.

He was also a member of Governor Hamilton's council. Whitehead says of him in the introduction to the "Papers of Gov. Lewis Morris" that "notwithstanding his youth (he) soon exercised great influence in public affairs, developing very early in his career those mental qualities and that sagacious discernment of men's characters and actions which subsequently caused him to be considered more knowing in the law and a great adept in the wily intrigues of colonial politics than any of his compeers." Or, as we should now say, he became a skillful politician. He was more than that; he was a determined and vigorous fighter and a dangerous opponent. He contested in 1698 the claims of Jeremiah Basse as proprietary governor on the ground of lack of a quorum at his appointment, so that on May 6, 1698, Morris was removed from the council, and on May 11 was fined £50 for contempt of the very court of common right whereof he was or had been a judge. But the Basse question was the source of continual quarrels; others of his opponents were imprisoned; "feuds and confusion followed," Smith tells us; a compromise was attempted by the reappointment of Hamilton, but this failed to settle the matter; and, to make a long story short, in 1702 came the surrender of the proprietary government in both East and West Jersey. This was due in large measure to the efforts of Morris, who secured the concurrence of the local proprietaries, and with their backing went to England and was there instrumental in persuading the other proprietors, and after the delivery in April, 1702, of the instrument of surrender returned to America. The question of establishing an executive government of New Jersey separate from that of New York was even then suggested and debated, and in connection with it the availability of Morris as Governor of New Jersey was considered; but the plan of separation being rejected, the claims of Morris were put aside, and in December, 1702, "the good Queen Anne," who had just come to the throne as successor of William III, signed the commissions of Edward, Viscount Cornbury, as Governor of New York and of New Jersey.

Time forbids any comment on the Cornbury administration except in its bearing on the subject of this paper. Generally speaking, Cornbury appears to have been one of the best hated men that ever held public office. One or two short quotations from Gordon will elucidate the point:

"The people, who in the very wantonness of freedom, had involved themselves in contentious strife, discovered that they had exchanged King Log for King Stork."

"His character is described as a compound of bigotry and intolerance, rapacity and prodigality, voluptuousness and cruelty, and the loftiest arrogance with the meanest chicane."

We need not stop to discuss the details of Cornbury's administration. What concerns us at this point is that Morris, a member of Cornbury's council, became at once his leading opponent, was suspended, reinstated, and suspended again, in the course of about a year. For about two years he remained in private life, but in 1707 came again to the fore, as an elected member of the General Assembly of New Jersey. In collaboration with Samuel Jenings, a Quaker, and speaker of the assembly, he prepared for that body a lengthy remonstrance to the Queen, making a number of accusations against Cornbury. This manifesto, for it amounted to that, being read in open assembly by Jenings, provoked an equally lengthy reply from Cornbury, and also a private communication to the Queen which was discovered and answered by the assembly. Cornbury and his friends were unsparing of epithets; they called Jenings and Morris "men known neither to have good principles nor good morals; wicked, designing men," "men known to be uneasy under all government," and so on. The net result was that Morris was reappointed to the council in 1708 under Lord Lovelace who succeeded Cornbury and again suspended by Lieutenant Governor Ingoldsby, who on the death of Lovelace, became acting governor until the appointment of Gen. Robert Hunter in 1710 as Governor of New Jersey and New York.

Hunter and Morris were close friends, and Morris became head of the council in New Jersey and gave Hunter his vigorous support in New York, finally overcoming the opposition to Hunter which had manifested itself in that Province. Hunter was recalled in 1719, or left of his own volition, and was succeeded by William Burnet, a son of the Bishop Burnet who was so intimate with William III. Hunter had given Burnet in England a good account of Morris, and Burnet in 1720 appointed him as chief justice of New York, an office which he filled with great credit until 1733, when he was removed by Governor Cosby as the result of a dispute over the propriety of the Supreme Court of New York exercising jurisdiction in equity. Morris drew up a long argument expressing his views on the subject and dissenting from the other judges, and when the governor asked for a copy inclosed the copy in a letter which gave offense and led to his suspension. At this period Cosby was unpopular and Morris popular; he was elected almost at once to the New York Assembly and was received with most favorable popular demonstrations.

It was a stirring time. To quote from Whitehead's comment on the Morris papers, "The Province became immediately divided into two parties; the opposition, or country party, of which (Morris) was the head, and the governor's or court party, having for its chief James Delancey, who had been appointed to the vacant judgeship." It was the era of the trial for criminal libel of John Peter Zenger, a cause celebre of those days. Zenger was a printer, and in November, 1733, began to publish a newspaper called the New York Weekly Journal as the organ of the country party, lampooning the government unmercifully, until the governor in desperation had Zenger arrested for seditions libel and tried to get the grand jury to indict him, which that body refused to do.

The governor, not being entirely helpless in those days in the hands of a grand jury, went to the attorney general, and that official filed an information, which had the same effect. Zenger was put on trial, admitted the libel and undertook to justify it, but was overruled by the chief justice. "Very well," said Andrew Hamilton, Zenger's counsel, "the jury are judges both of law and fact, and we are content to leave it to the jury." His confidence was not misplaced; the jury acquitted, and Zenger was released after having been held without bail for over eight months, and in the language of a writer in the biographical encyclopedia, "was received with tumultuous applause by a concourse of people who had assembled to learn the result."

Meanwhile a combination had been formed to get rid of Cosby, and Morris was chosen to go to England as an emissary. His plans for sailing were made with great secrecy, and he was on the high seas before his absence was discovered. Cosby countered with a complaint to the lords of trade against Morris, demanding his dismissal from the New Jersey Council, in which he still held office. The dismissal was recommended, but overruled by the Privy Council, so Cosby failed. On the other hand, Morris failed to secure the ouster of Cosby, but the latter died in March, 1736, and Morris returned home early in October, to be received with the loud acclamations of his constituents.

Morris was now 65 years of age, apparently at the height of his popularity, a wealthy man, his children long since grown, and his two sons now attaining distinction; but like other active men, knew not when to stop. One would think that after so many stormy years

he would have realized the truth of St. Paul's injunction to Titus (III, 9): "But avoid foolish questions, and genealogies, and contentions, and strivings about the law; for they are unprofitable and vain." Now, however, a restless ambition was to lead him back to New Jersey, where he was destined to lose his popularity and to end his days.

He began by an attempt to seat himself as acting governor by right of seniority in the council. This was resisted, was appealed to the other side of the water, and the appeal went against him. But his defeat was of short duration, for a movement to separate the executive departments of New York and New Jersey, which had been for some time progressing, now came to a head, and in February, 1738, Morris was appointed Governor of New Jersey, her first independent colonial governor, and a native, not an importation. He entered on his duties at Perth Amboy in the late summer of that year. About the same time his son, Robert Hunter Morris, became chief justice of New Jersey.

He was well received, and made a good start by quitting the council, making that body a part of the legislature, and confining himself to executive functions, a new departure. The legislature created a new county and named it after him and voted him a liberal salary, but the era of good feeling was a short one. His point of view seems to have changed; he was seeing things at a different angle. I am content to ascribe his actions at this period to age, poor digestion, and blood pressure, and to let it go at that. In October, 1739, he writes thus to his friend, Sir Charles Wager:

"I was glad to find by yours that you were in good health in an age so far advanced as yours is, and I hope it will continue for the sake of your family and of so many others who are so much concerned in it; I am following close at your heels, being within a few days of entering into my 69th year, but thank God enjoy a good state of health, but sencivle of some decay of memory, & loss of teeth w'ch have long since left me to mumble my meat as well as I can with my gumms. We have a man in New York, one Scurlock, nigh four score years, who for nigh 15 years Pass'd has liv'd solely upon milk punch made with Rum, without eating or drinking anything else & seems as hearty well & strong as a man of fifty.

I have known another instance of the same kind, but neither of these men had much business with thinking, and very much unconcerned whether the Emperor got Constantinople or the Turks Vienna, w'ch might not a little contribute to their length of days." A wise sentiment, of which he failed to make personal application. Such a thing was foreign to his nature; he did not know how to let matters take their course; and in those times, when the only dentists were barbers, when their only function in relation to teeth was extraction, and when, as I gather from the quotation, there were no artificial teeth, much in the way of cantankerousness is to be forgiven to a man of 68 of a naturally combative disposition, who can not Fletcherize, but can only "mumble his meat with his gums."

Whatever the cause, there was an increasing antagonism between the governor and the legislature as the years rolled on; there were mutual recriminations and misunderstandings. The histories of this period give ample details of such matters and I prefer not to repeat them here. I think it is fairly plain that the man grew increasingly irritable from failing health as he advanced in years. For the last two years of his life he was a sick man. On May 8, 1746, after a final dispute with the legislature, he signed a bill regulating the militia, the only one perfected at that session. On that day or the next, his illness became alarming, and on May 21 he died at his place called "Kingsbury near Trenton." On the 26th his remains were transported to Perth Amboy, and thence by water to Morrisania. He was 75 years of age. Thus passed on one of the most interesting and picturesque characters of that formative period of the Colonies; an only child, but the father of a numerous family and ancestor of many and distinguished descendants; a handsome man of pleasing presence, if his portrait by John Watson truly depicts him; an able lawyer and judge, and clever politician. We of New Jersey are liable to think of him primarily as our quarrelsome first governor, forgetting what he had been and had accomplished, and that he came to that office at a time of life when he should have been enjoying a well-earned retirement from the hurly burly of politics, and "unconcerned whether the Emperor got Constantinople or the Turks Vienna." I prefer to think of him as the lawyer, the judge, the legislator, the antagonist of such men as Cornbury and Cosby, the friend of Hunter and Burnet, and until he was long past his prime, the popular favorite, if not popular idol. All these he was while he lived on the broad acres surrounding this hallowed spot where to-day we install a tablet to his memory; and as we close this hasty survey of his stormy life, these, and his ideal family relations, are the aspects of it that should especially challenge our attention and arouse our appreciation, and enable us thereby to pay a fitting tribute of respect to his memory.

LEAVE TO ADDRESS THE HOUSE

Mr. SIROVICH. Mr. Speaker, I ask unanimous consent to proceed out of order for 10 minutes after the gentleman from Oklahoma [Mr. MCCLINTIC] has concluded his remarks this morning.

The SPEAKER. The gentleman from New York asks unanimous consent that at the conclusion of the remarks of the gentleman from Oklahoma [Mr. MCCLINTIC] under the special order he may proceed for 10 minutes. Is there objection?

Mr. DOUGLAS of Arizona. Mr. Speaker, reserving the right to object, with reference to what?

Mr. SIROVICH. In relation to one of my former instructors, who lately died, Professor Noguchi.

The SPEAKER. Is there objection?

There was no objection.

Mr. DYER. Mr. Speaker, I ask unanimous consent that after the conclusion of the Boulder Dam bill, and not to interfere with conference reports or matters on the Speaker's table, the Commissioner from the Philippines [Mr. GUEVARA] may be permitted to address the House for 15 minutes.

The SPEAKER. The gentleman from Missouri asks unanimous consent that at the conclusion of the consideration of the Boulder Dam bill the Commissioner from the Philippines [Mr. GUEVARA] may be permitted to address the House for 15 minutes. Is there objection?

There was no objection.

DISABLED EMERGENCY OFFICERS

Mr. GILBERT. Mr. Speaker, I ask unanimous consent to address the House for two minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. GILBERT. Mr. Speaker, at this time, when the divergence of views entertained by the President and those entertained by Congress seems to be widening, I take this opportunity to read a telegram similar to many others that I have received, showing the public reaction to an economy program which asserts itself only against veterans and their widows and orphans, fourth-class postmasters and other underpaid Government employees, farmers, and others who are really in distress and approves a reduction of $200,000,000 in taxes to the excessively rich.

DAWSONSPRINGS, KY., *May 24, 1928.*

RALPH GILBERT,

Washington, D. C.:

Won't you remind Congress that thousands of friends of disabled emergency officers are watching an economy which gives two hundred million to millionaires and refuses an insignificant two million to men who made fortunes for the rich possible?

BAXTER RAMSEY,
Commander J. Franklin Bell Post.

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

Mr. GILBERT. Yes.

Mr. GREEN. I had a telegram this morning from 3,000 in the State of Florida asking the passage of the Tyson-Fitzgerald bill over the President's veto.

THE FRANKING PRIVILEGE

The SPEAKER. Under special order of the House the Chair recognizes the gentleman from Oklahoma for 15 minutes.

Mr. MCCLINTIC. Mr. Speaker, some time ago I filed a minority report against the so-called naval shipbuilding bill, which featured aircraft and submarines as a substitute for the majority report filed by Mr. ANDREW, the gentleman from Massachusetts, who filed the affidavit concerning the alleged misuse of my frank. I thought I had a right to file that minority report, notwithstanding the fact it was not adopted by the House. Later on several thousand of my minority reports were mailed out under my frank. In a few weeks thereafter the gentleman from Massachusetts [Mr. ANDREW] sponsored an affidavit which he read before this House, which claimed that those who had used my frank had violated the privilege by inserting in the envelope certain extraneous literature. For the reason that the Naval Affairs Committee has sent this controversy to the Post Office Department, because the press has carried a lot of information concerning the subject, and because the Post Office Department has made a thorough investigation and has rendered a report, I feel that it is fair to myself and fair to this House to let the Members know whether or not my franking privilege was abused, and whether or not there was a frame-up in this connection. It is for that reason that I have asked that every Member of the Naval Affairs Committee be present this morning. They have been given proper notice.

I have here a copy of the report which was made by the Post Office Department, and which is signed by Hon. Harry New, Postmaster General. I shall read the last two paragraphs of the report. Mr. Weeks, the man referred to in the paragraph which I shall read, is the person who filed an affidavit charging misuse of my frank and at the same time claimed that he used an assumed name in order to obtain information from the

Council for the Prevention of War, in order that they might not learn his identity. I read from the report:

"Mr. Weeks is the only person to whom such matter was sent, who alleges that he received both the speech of Representative McCLINTIC and the private matter of the National Council for the Prevention of War in an envelope bearing the frank of Representative McCLINTIC.

It will be noted that the report says that Mr. Weeks is the "only" person. Continuing, the report reads:

It would appear from all the circumstances as disclosed by the investigation that Mr. Weeks may be mistaken in his statement that the private matter of the National Council for the Prevention of War received by him was in the envelope bearing the frank of Mr. McCLINTIC, since it appears that only the speech made by Representative McCLINTIC in the House of Representatives was mailed under his frank, and that the matter pertaining to the National Council for the Prevention of War was mailed under postage. It, therefore, appears that there was no violation of the franking privilege.

It will be remembered that Congressman ANDREW denied giving out the first newspaper story concerning this alleged violation, and inasmuch as he was the only person who received this charge from one Harold Weeks, it can be concluded that the newspaper fraternity evidently obtained the data upon which they wrote the story by the process of mental telepathy. Anyhow, it will be interesting to this House to know that the inspector detailed to look after this work interviewed those connected with the Government Printing Office, the House folding room, the Post Office Department, the National Council for the Prevention of War, citizens of Wellesley Hills, Mass., the author of the affidavit, and dozens of persons who have received the minority report on the naval shipbuilding bill, which is the subject of this controversy. I am glad to say to this House that not a single person in the United States has corroborated the statements contained in the affidavit filed with the Post Office Department by the gentleman from Massachusetts [Mr. ANDREW].

A Member's frank is his chief asset in looking after the public's correspondence. It is not possible to attack the use of the same without casting reflection on the Member whose name is printed on the envelope. It is an awfully cheap sport who will sponsor the work of an unreliable person for the purpose of injuring one of his colleagues on a committee. The gentleman from Massachusetts was told, when he sought advice from the distinguished floor leader, Mr. TILSON—who is always fair—the proper thing to do in this case and that was to see me first before taking any action. Did he do it? No. On the other hand, he went over and presented this data to the gentleman from Illinois [Mr. BRITTEN], whose judgment has not proved to be the best in many instances in the past. Therefore, I had no way of knowing anything about this charge until it was published in the Washington Star.

Who is this Harold M. Weeks, who assays the rôle of a snooper in this instance? In the affidavit sponsored by the gentleman from Massachusetts there is contained a statement that he has used an assumed name in corresponding with the National Council for the Prevention of War for the purpose of obtaining information without letting them know his true identity. In other words, he assumed the rôle of a spy. The gentleman from Massachusetts compliments this man Weeks as being a splendid, patriotic soldier, and the attorney who drew up the affidavit called attention to the excellent reputation which he bore in his own community. In this connection, I want to insert in the RECORD at this point letters from some of the citizens of Wellesley Hills, Mass., which show that he is a questionable character, a trouble maker, and an undesirable citizen. Therefore, the statement made by the attorney, Mr. Judson Hannigan, seems to be false:

BOSTON, MASS., *May 5, 1928.*

Representative McCLINTIC,
House of Representatives, Washington, D. C.

DEAR MR. McCLINTIC: I have read in the daily newspapers the charges made against you by one Harry W. Weeks, of Wellesley Hills, Mass., and write you these few lines to state that I believe it was about time a member of the military forces of the United States refrained from snooping upon civilians and performed his military duties. This soldier Weeks is a constant trouble maker, and through his gumshoe methods he has made an effort to have public officials of the town in which he resides removed from office. I believe the chiefs of police and fire departments of that town can give you much information on him.

His present duties are with the intelligence section of the Army, with station at Boston, Mass., and I understand he spends much of his time on Government salary snooping around looking in keyholes in an effort to steal some of the fame of Sherlock Holmes.

This note is sent you in a spirit of fair play and with hopes that the military forces of our country may be used for the purpose authorized by law.

Sincerely yours, ——— ———

MY DEAR MR. McCLINTIC: I hesitate to say anything about any one, but I am impelled to say nothing in favor of this person. I have been seven years in an official position before and during the World War in the United States Army and have come in contact with him also in this town. His actions have not been commendable. I doubt very much his sanity and regret that I can not say anything else.

Yours sincerely, ——— ———

In addition, it will be interesting to this House to know that Weeks received from the War Department the sum of $137.70 for the work that he did during the month of April in connection with the charge brought against the violation of my frank. I desire to insert in the RECORD a letter from the Secretary of War, which gives his military record and corroborates this statement:

WAR DEPARTMENT,
Washington, May 16, 1928.

Hon. JAMES V. McCINTIC,
House of Representatives.

DEAR MR. McCLINTIC: I have your letter of the 14th instant in which you request information concerning the pay of Harold M. Weeks.

The April, 1928, pay roll shows he received pay as follows for that month:

Base pay	$72.00
Longevity pay	7.20
Monetary allowance in lieu of rations and quarters	58.50
Total	137.70

The records show that this soldier enlisted May 31, 1917, in Massachusetts National Guard; reported for Federal service July 25, 1917, and was honorably discharged April 29, 1919, a private, first class, Headquarters Company, One hundred and first Sanitary Train, M. D.; reenlisted May 1, 1919, and was honorably discharged April 30, 1920, as sergeant major, Infantry; reenlisted May 1, 1920, transferred as sergeant to detached enlisted men's list (intelligence police) December 17, 1920, and was honorably discharged April 30, 1923, as sergeant, detached enlisted men's list (intelligence police); reenlisted in grade May 1, 1923; appointed staff sergeant, detached enlisted men's list (intelligence police), December 8, 1924, and was honorably discharged April 30, 1926, as staff sergeant, detached enlisted men's list (intelligence police); reenlisted in grade May 1, 1926, and is now serving as staff sergeant, detached enlisted men's list (intelligence police).

Sincerely yours,

DWIGHT F. DAVIS, *Secretary of War.*

Mr. MORTON D. HULL. Mr. Speaker, will the gentleman yield?

Mr. McCLINTIC. Yes.

Mr. MORTON D. HULL. That is from whom?

Mr. McCLINTIC. From the War Department. This man Weeks is one of the detached enlisted men who run around snooping and seeking information against Members of Congress and others.

Mr. MORTON D. HULL. Can the gentleman advise us what his information is with reference to his getting this money from the War Department?

Mr. McCLINTIC. I will put it in the RECORD.

It will be interesting to the Congress to know that the War Department maintains a bureau which allows its personnel to make affidavits of any kind they see fit against Members of Congress. Judging from the statements contained in the letter I have received, this man Weeks is the kind of an individual that could be sent out to manufacture any sort of a charge desired. When it is taken into consideration that he has superior officers who would necessarily have to give him permission to file such a record as he did in this matter, it will be interesting to know what attitude the War Department is going to take in a case of this kind; to say the least, if the intelligence bureau of this department is filled up with individuals like this man Weeks, an innocent man's life would not be worth anything should he incur the ill will of such an aggregation.

I have received many interesting letters from those who felt that this man Weeks was of about the lowest type of humanity, and I insert at this point a letter and a copy of a communication addressed to Mr. Weeks:

WASHINGTON, *April 30, 1928.*

Hon. J. V. McCLINTIC,
Seventh Oklahoma District,
House Office Building, Washington, D. C.

DEAR SIR: You may be interested in the inclosed copy of a letter written by me last week to that pestilential family namesake of mine,

Harold M. Weeks, of Massachusetts, who received so much publicity in connection with the franking matter reported in the press.

I found it difficult to keep my remarks within mailable bounds, as I was tempted to turn loose samples of a somewhat extensive vocabulary in that direction acquired during over 45 years of residence in California and in Mexico. But I am sure that the lovely Harold had no difficulty in detecting the depth of my detestation for such busybodies and mischief-makers as he—"tattletales," we used to call them in my own boyhood.

I have not appreciated being asked by acquaintances whether the two-legged skunk bearing my family name is related to me. I hope not.

Sincerely and sympathetically yours,

GEO. F. WEEKS.

WASHINGTON, *April 27, 1928.*

Mr. HAROLD M. WEEKS,
Wellesley Hills, Mass.

MY DEAR SIR: As (presumably) a codescendant of the Weeks brothers of the Dorchester immigration of 1630–32; as a direct descendant of a Revolutionary War soldier; as a native of Massachusetts; as a man of 76 years who has vivid memories of the horrors of our own Civil War of 1861–1865; as a newspaper correspondent in the field in Mexico during the revolutionary era of 1910–1920; as a man thoroughly opposed to war, whether personal or national, except in cases of malicious attack, and then only after all measures to prevent violence shall have failed; bearing in mind the utter futility of the recent "World War to prevent war," in which I am ashamed to acknowledge I acted as an unwitting disseminator of grossly false statements, believed by me to be true because of their source, and following which the world is now preparing on every hand for another and infinitely worse conflict; not being affiliated in any manner except by sympathy with the antiwar organization referred to in the clipping or any of like character; being all this I am deeply pained to see the name of our common family thrown open to adverse criticism by a member thereof, as in the present case.

As one at all times jealous of the good repute of the family patronymic, I have felt moved to address you and to ask your calm consideration of the unfragrant exhibition which you have seen fit to make of the name borne by both, and in my own case by a very numerous number of descendants.

If you should see fit to stroll over to the old Dorchester "burying ground," I have no manner of doubt but that you will note unmistakable evidences of the disturbance of the bones of the pioneers of the Weeks family in the sepulchers which they have occupied so long and so peacefully.

I tender you no apologies for apprising you of how at least one Weeks regards the rolling of the family name in the mire.

Yours regretfully,

GEO. F. WEEKS.

P. S.—Incidentally I myself have been a lifelong Republican, edited and published Republican newspapers, and voted the Republican ticket until I was disfranchised by residence in this city—the very same "taxation without representation" against which my great-grandfather fought! Also had a son in the Spanish-American War!

The attorney, Mr. Judson Hannigan, made a statement in which he indorsed the splendid reputation of this snooper, Harold M. Weeks, and I want to say to you that I will always take the information that comes from the home of the person rather than from some outside attorney who probably gets a fee for drawing up the affidavit.

For about one week the newspapers throughout the Nation carried this story concerning the alleged misuse of my frank. This organization for the prevention of war admits it sent out to the same people about 15,000 pamphlets in a separate envelope which contained proper postage. If this organization had placed these pamphlets in my franked envelope, the same would have had to be steamed open, and it stands to reason that out of this number going to every State in the Union someone would have advised the gentleman from Massachusetts, the Post Office Department, myself, or his own Representative in Congress that he, too, had received this extraneous matter under my frank.

I said in my first speech that this was a "frame up," and I brand this man Weeks as the cheapest perjurer that was ever sponsored by a Member of Congress in a case of this kind. I have no respect for any Member of Congress who will take up with trash, and anyone who will uphold a perjurer or a crook is no better than a perjurer or a crook.

The gentleman from Massachusetts has denied giving out the first statement to the press, and unless it is cleared up it will always remain a mystery as to how the newspaper reporters received this information. When he had concluded his Utopian speech before these facts were brought out his statements appeared to have the right ring and were received in good form by the Members of this House. Less than 30 minutes after he had delivered this speech a number of newspaper men were eating their lunch in the House dining room, and while so doing gave vent to their feelings concerning the way this matter had been handled. One of my friends—a gentleman well known to many Members of Congress—happened to be sitting at the same table, and after the meal was over he put in writing, while the conversation was fresh in his mind, just what took place and what was said, and I want the Clerk to read this statement so that it will clear up the matter as far as the origin is concerned.

The Clerk read as follows:

FRIDAY, *April 27, 1928.*

Yesterday, while at lunch in the House restaurant I was seated at the table with several newspaper men, and the conversation turned on to your matter with Representative ANDREW. One of the newspaper men said that it ended in a love feast, and that the matter had gone to the Post Office Department and they would probably do nothing, and thereby leave the newspaper men holding the sack.

The representative of the paper, during the conversation, remarked that he felt sure that they tried to frame MCCLINTIC. One of the others asked if he thought ANDREW was in on the frame-up, and he replied that he did, as when he gave out the story he asked that it be used in such a way that MCCLINTIC would not have opportunity to deny it that day. He further said that the only one that came back (meaning the franked envelope) or that they had heard about was one supposed to have been received by a man whose name, as I remember it, was Weeks, and that he was the party that had secured information from this organization under an assumed name, and was, in fact, a spy in the organization to learn what was going on. Something was said that if Mr. ANDREW was not in on the frame-up he was damn ignorant to fall for it. The man who, I believe, represents a Boston paper remarked that he felt like writing up the whole story, and seemed to be set in his view that it was a frame-up on you and that ANDREW was in on it, or aware of it.

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

Mr. MCCLINTIC. In a moment. I want to be fair to the gentleman from Massachusetts [Mr. ANDREW], and if he wants to know the name of the newspaper man I will give it to him. I have no object in this matter other than bringing out all the facts. My franking privilege has been attacked and the Post Office Department has exonerated me and the organization which was accused of violating this frank.

It is not necessary for me to accuse Mr. ANDREW of being unfair. Everybody connected with the press realizes that this story had to come from him in some way; therefore, to be just, I am going to say that when this information was brought to me I located the newspaper man and let him read this statement, and I want to say to this House that he didn't deny making the statement.

When this matter came up before the Naval Affairs Committee the gentleman from Illinois [Mr. BRITTEN] apparently took great delight in trying to embarrass me by asking how many of these envelopes I had turned over to the National Council for the Prevention of War. I did not hesitate about giving him the information, but later I asked him a question in the following language.

I quote from the record:

Mr. MCCLINTIC. * * * And on the other hand I have been told that your franking privilege has been used by these militaristic organizations.

Mr. BRITTEN. I do not know any military organization that has used my frank. Certainly it has not used it with my consent.

You will note that he stated to the committee that he had no knowledge of his frank being used by a militaristic organization. Every Member of this House knows that the Government Printing Office will not execute an order for the carrying of a person's frank unless it is given in the proper manner. I am not interested in this matter other than to show that the committee has apparently been deceived; therefore I present to this House a part of the hearings held in connection with the naval shipbuilding bill, which was obtained from the United States Infantry Association, a militaristic organization, and, of course, if the gentleman from Illinois says that the organization had this franked without his knowledge then that will end the matter. The gentleman made the statement that he knows nothing about his frank being used for this purpose.

I also want to say to Mr. ANDREW that if he is awfully keen to find out some one who has violated his franking privilege here is an envelope bearing the name in the corner of the gentleman from Illinois, which contains three lines that at no time appeared in the CONGRESSIONAL RECORD or the hearings. I also wish to say that according to Mr. Andy Smith, the repre-

sentative of the Public Printer here at the Capitol, a person can not include in a part of the CONGRESSIONAL RECORD or in a part of hearings statements that were not made in the same.

Mr. BRITTEN. Will the gentleman yield?

Mr. McCLINTIC. Yes.

Mr. BRITTEN. Will the gentleman be good enough to tell me what document he has in his hand?

Mr. McCLINTIC. I will give it to the gentleman. I have made the statement I did not know whether the gentleman knew anything about it.

Mr. BRITTEN. I never heard of the organization in my life or do I know anything about it. What is the name of the organization?

Mr. McCLINTIC. The United States Infantry Association.

Mr. BRITTEN. Is that on the envelope?

Mr. McCLINTIC. No; it is not on the envelope, but that is where it came from.

Mr. BRITTEN. How does the gentleman know?

Mr. McCLINTIC. I know where it came from, because it came through regular channels. If the gentleman states he does not know anything about it, then some one has used his franking privilege in a way that should not be countenanced by this House.

Mr. BRITTEN. If the gentleman will permit, I would like to call the attention of the House to the fact that this is an extract from the hearings of the Committee on Naval Affairs and nothing else. It is no speech of mine. It is an extract from the remarks of a man by the name of E. B. Johns, of Washington, D. C., and is an extract from the hearings themselves. It contains nothing else.

Mr. McCLINTIC. But it contains three or four lines that are not frankable. They are neither part of any CONGRESSIONAL RECORD nor of any hearing. I know whereof I speak because I have examined the RECORD and the hearings.

Mr. MILLER. Will the gentleman yield?

Mr. McCLINTIC. Yes.

Mr. MILLER. I would like to have the gentleman state the name of the man who made the statement read by the Clerk a moment ago.

Mr. McCLINTIC. I will give the name of the newspaper man to the gentleman who is implicated.

Mr. MILLER. I think in fairness to the membership of the House the name should be given right now.

Mr. McCLINTIC. I will give the name of the man who apparently knows all the facts in this controversy.

The gentleman from Massachusetts could have avoided all this controversy if he had had any respect for the advice given by our distinguished floor leader [Mr. TILSON]. He made the statement that he tried to see me, but the truth of the matter is that he did not speak to me until four days after the newspapers carried his story. I had been in my office every day, and I do not accept his statement as being made in good faith. I also want to say that the gentleman from Georgia [Mr. VINSON] apparently took a great deal of pride in criticizing my attitude in defending the charge that had been made against the use of my franking privilege. He seemed to enjoy the applause that came from the majority side of the House, and the press carried the statement throughout the Nation that he had defended the person who was sponsoring this spy from Massachusetts. I wish to tell the House that since that date he has made an apology to me and offered to come before the House and make any statement that I saw fit. I did not ask him to do this, but, on the other hand, I had him go to the floor leader [Mr. TILSON] and find out whether or not the gentleman from Massachusetts had acted honorably in the matter and how the newspaper men viewed this subject. I realize that sometimes a person uses poor judgment and gets into a mess, and I want to give the gentleman from Georgia credit for clearing his skirts in this matter.

Now, Mr. Speaker, I regret exceedingly that this controversy came up. I had nothing to do with it, and I merely followed my congressional right in asking that a full investigation be made. I asked the Postmaster General if he would not let me see the inspector's report relative to the kind of reputation this man Weeks has up in Massachusetts, but he did not want to do it, so I did not press it any further.

I want to say to this House that if the member of the committee had followed the advice of his own leader we would not have had all this controversy, because I am the last person who would ever stand for the violation or abuse of my own frank by any person. I knew I had not violated any rule; I knew I had not violated any law; and I am very glad indeed that the Postmaster General and the Post Office Department have exonerated me in every way they could. [Applause.]

DEATH OF DR. HIDEYO NOGUCHI

The SPEAKER. Under the special order of the House the gentleman from New York [Mr. SIROVICH] is recognized for 10 minutes.

Mr. BRITTEN. Mr. Speaker, I desire to be recognized for not to exceed five minutes on a question of personal privilege.

The SPEAKER. Without objection, the Chair will recognize the gentleman from Illinois for five minutes at the conclusion of the remarks of the gentleman from New York.

There was no objection.

Mr. SIROVICH. Mr. Speaker, ladies, and gentlemen, yesterday there died on the golden coast of Africa one of the most eminent and distinguished scientists of the twentieth century, Dr. Hideyo Noguchi, born in Japan, yet belonging to the citizenship of the world.

America, the land of liberty and of his adoption, gave him the laboratory of opportunity to demonstrate his profound and scientific knowledge, so that his genius could explore those mysterious realms which harbor virulent organisms that have been responsible for the causation of the terrible plagues, scourges, and diseases that have afflicted and ravaged humanity the world over for thousands and thousands of years.

If life is but a dream and death be its awakening, then in the world of dreams the work, the fame, the name of Hideyo Noguchi will forever endure.

His contributions to the service and knowledge of humanity will immortalize his name and bequeath a heritage of scientific and useful service to a grateful posterity for having been able to force from the unyielding bosom of nature those mysterious secrets that for centuries nature has held inviolate and unbroken, until the fertile imagination and persistent efforts of the genius of Noguchi forced nature to surrender its secrets to the microscope of science. [Applause.]

The Supreme Architect of the Universe reveals Himself to humble and lowly man in three mystical and inexplicable ways. First, through the life of the universe, which we term nature. Second, through the thoughts of man, which we term art. And third, through the precision and exactness of the mind, through correct observation and thinking, which we term science.

In this great arena of life intellectual man worships at the shrine of nature, science, and art. Here in this temple of culture are seated side by side to each other nature, science, and art, presided over by God Almighty Himself, to whom we graciously bow our heads in humble submission as the Great All Powerful from whom all life and goodness flows. [Applause.]

The disciples of nature, art, and science recognize no distinction in race, creed, and color. The world is their country. The brotherhood of mankind is their shibboleth and watchword, and love and service to humanity everywhere is the cement that binds them together until the curtain of life falls upon them. [Applause.]

Who are the men who have immortalized their names on the altar of medical service? Hippocrates the Great was the father of medicine. He lived 300 years before Christ was born. The oath that every physician subscribes to, ere he is permitted to embark upon his medical career, is named after him and is known the world over as the "Hippocratic oath."

Four hundred years after the death of Hippocrates there flourished in Rome the greatest commentator on the 60 books written by Hippocrates, a physician whose name was Galen. For 15 centuries Galen was worshiped by the medical fraternity as the foremost figure on the medical firmament, whose skill and ingenuity in the field of medicine was revered and honored by the countless legions who were his devoted followers.

In the year 1132 there was born in Cordova, Spain, the most eminent physician of his time, Moses Maimonides. He was educated in Tripoli, Morocco, and Algiers. He was physician to Saladin the Great of Cairo, Egypt, who sent him out to treat Richard the Lion-hearted when he led the second crusade to redeem the Holy Lands from the infidels. Maimonides was the outstanding figure in medicine, in science, in art, and in philosophy during the dark ages of our world.

During the period of the Renaissance, the years 1500 to 1600, Italy gave to the world five of the greatest anatomists the world has ever known—Jacobus Sylvius, the uncanny genius whose work on the human brain is immortalized by the great Sylvian fissure of the brain that is named after him—Andreas Vesalius, the distinguished and learned pupil of Sylvius, who discovered the fact that veins have valves, and whose anatomical clinics were crowded and packed with students from all over Europe who came to pay tribute to his phenominal knowledge of human anatomy—Fallopius, the adroit and expert scholar after whom the Fallopian tubes of the female generative organs are named—

Bartelemo Eustachius who was the first to describe the Eustachian tube, that runs from the back of the nose to the middle ear, whom posterity has honored in naming the Eustachian tube after him, and last, but not the least—François Rabelais, one of the greatest anatomists of the world who lectured on every phase of human anatomy, demonstrating his lectures on the dissected body to crowded, enthusiastic, and overawed audiences.

Paracelsus, who was contemporaneous with these brilliant anatomists, was born in Switzerland in 1493, and was the pioneer in anticipating the field of infection and contagion, and the first doctor to introduce mineral substances in the treatment of disease as professor of medicine in the University of Basle. Associated with him in his investigations was Ambrose Pare, professor in the University of Paris, who through his indefatigable zeal, skill, and technique laid the foundation of modern surgery and was the greatest surgeon of his time.

From the years 1600 to 1700 three mighty characters held the center of the stage in the field of scientific medical endeavor—Jean Baptiste Van Helmont, born in Brussels, Belgium, considered the father of biological chemistry, and the first physician to ever examine chemically the blood and urine of human beings to definitely determine the causative factor of disease. Helmont was considered one of the greatest masters of his day.

The year 1628 commemorates forever the outstanding contribution of England to the science of medicine. That period will forever remain famous as the year that William Harvey discovered the circulation of the blood, that revolutionized the concept and the function of the heart and blood vessels, because Hippocrates and his ancient disciples thought that the air was transported throughout the blood vessels of the body in order to feed the innate heat.

Dr. Thomas Sydenham was worshiped by his contemporaries and by the public at large as one of the greatest clinicians and diagnosticians of his time.

From the year 1700 to 1800 England contributed the greatest public benefactor to humanity in the person of Edward Jenner, who in 1796 discovered the principle of vaccination, a discovery of the highest importance to civilization, that has made it possible through vaccination to drive that malignant and pestilent scourge of smallpox from the face of the world.

The years 1800 to 1900 finds every nation of continental Europe, including our own beloved country, America, all vying with each other to subjugate sickness and disease, so that longevity might be prolonged and the health of humanity bettered.

In America the versatile, talented, and gifted author and doctor, Oliver Wendell Holmes, the father of our distinguished Judge Holmes, of the United States Supreme Court, was first to write upon the subject of puerperal sepsis. He felt that motherhood was paying too great a penalty upon the altar of childbirth. He proved that puerperal sepsis was caused by dirt infection. He was laughed at and jeered at for his views. But 50 years later Doctor Semmelweiss, an obstetrician, of the University of Budapest, confirmed his views. The medical fraternity treated Semmelweiss as the American doctors treated Oliver Wendell Holmes. Semmelweiss, keenly sensitive to this terrible criticism, became insane and died in a madhouse. To-day a monument stands in his memory in the principal square of Budapest, a statue that rightfully belongs to our own beloved scholar and scientist, Dr. Oliver Wendell Holmes. [Applause.]

The Battles of Bunker Hill and Lexington did not bring as much amazement to the citizens of Boston as did the newspaper announcement in the spring of 1846 that Dr. William Morton had discovered a gaseous substance called ether, that could anesthetize any human being and make him unconscious to the knife and scalpel. This drug revolutionized surgery, for prior to its discovery victims of surgical intervention had to be subjected to the deadening effects of opiates and saturated with liquor to deaden their anguish and pain.

Millions of human beings were literally dying every year from infection following operations, until in 1866 Guerin invented absorbent-cotton dressings, which formed a barrier to the spreading of this condition.

Two years later, in 1868, the world was electrified by the announcement that the great Lord Lister had solved the cause of infection by practicing the methods of antisepsis before, during, and after operations, which reduced the frightful morbidity and mortality following operations, and made surgery safe and sound when applied to any condition in which the knife had to be used in order to save life or limb.

It was just about this time that the greatest scientific genius of the nineteenth century, Pasteur, came upon the horizon of science. Within a short time he demonstrated to a skeptical and amazed world that infection was due to a bacterial invasion. To a dazed and dumbfounded world he revealed these new organisms—cocci, bacilli, spirillæ, fungi, yeasts. A new world. A conquest of chemical culture and the microscope. These discoveries of Pasteur completely resurrected surgery and chiefly transformed the treatment of modern diseases.

Thus far Egypt, Greece, Italy, Spain, France, England, and America had blazed the trail of medical and surgical pioneering. Teuton culture and civilization became inspired by these intrepid soldiers of the microscope, the agar culture, and chemistry, and finally Germany gave to the world the peer and master of all bacteriologists of all time in the person of Doctor Koch, who thrilled and bewildered an amazed world when he announced the discovery of the tubercle bacillus that was responsible for the causation of tuberculosis and led the mortality tables of the world in the causation of death from consumption.

Ehrlich, the wizard of biochemistry, is Germany's and the world's greatest contributor to the successful treatment of modern disease. His "606," known as salvarsan, is an absolute specific in the treatment of syphilis, that had ravaged the world for centuries and made syphilitic treatment the curse of the possessor and the bane of the physician.

From time immemorial the organism that caused syphilis was unknown. Only a decade ago a great German savant and scholar isolated this frightful assassin of human life under the field of the dark microscope, and to perpetuate his memory the scientific world named this reaction after the founder in the examination of human blood and calls it in his honor "the Wassermann test."

In this, the twentieth century of civilization, America ranks in the forefront as the proud possessor of the greatest scientists of the world. Behold its roster in Public Health Service—men who have distinguished themselves in arduous and dangerous research to promote the interests and happiness of mankind.

Where is there a patriotic man or woman who will forget the courageous heroism of Doctor Lazear, who, under the supervision of Dr. Walter Reed, gave up his life upon the altar of science in order to have himself infected with the mosquito to prove to the world that the mosquito is the cause of malaria and yellow fever?

It was this wonderful experiment in which Lazear gave up his life that gave the knowledge to Doctor Gorgas to eradicate yellow fever and malaria from the Panama Canal, which made it possible for American engineers to build the canal.

DR. HENRY R. CARTER

World-recognized authority on yellow fever and malaria. In 1900–1901, by purely epidemiological studies, demonstrated that yellow fever must be conveyed by an intermediate host, and measured with accuracy the periods of incubation in that host and in man, thus laying a solid scientific basis for the subsequent experimental verification.

DR. CHARLES WARDELL STILES

Discovered the American species of hookworm, demonstrated its great prevalence, worked out its epidemiology, devised methods for the control of the disease, and inaugurated the successful campaign against it.

DRS. MILTON J. ROSENAU AND JOHN F. ANDERSON

Pioneers in the study of anaphylaxis, concerning which they contributed many of the fundamental facts. This phenomenon is of great importance in the modern conception of disease processes.

DRS. GEORGE W. M'COY AND C. W. CHAPIN

Discovered and cultivated the bacillus tularense, making methods available for its further study. They did their work in 1910 on California ground squirrels.

DR. EDWARD FRANCIS

Contributed nearly all that is known concerning the disease tularemia in man. Showed its methods of transmission and what to do in order to avoid it.

DR. R. R. SPENCER

Worked out a vaccine against Rocky Mountain spotted fever. Demonstrated its efficacy in experimental animals and its harmlessness by injecting himself first. Showed by use in hundreds of persons who are exposed by occupation that it confers a large measure of protection. The preparation of this vaccine involves a new principle of immunology. Vaccine used on humans, 1925.

DR. JOSEPH GOLDBERGER

Showed the dietary origin and cure of pellagra. This is a most notable achievement, since this disease has baffled the best European talent for centuries. At times it has threatened to become seriously prevalent in the United States, but with this new knowledge the threat has been permanently removed. Study of pellagra begun in 1912, and is going on at the present time.

DR. WADE H. FROST

Planned and conducted the first thoroughgoing and fundamental investigation of the problems offered by the pollution of streams in this country. In view of the increase of population and manufactures along our streams this has been a most valuable activity. Investigation of the pollution of the Ohio River began under his direction July, 1913.

DR. JOHN M'MULLEN

Demonstrated the practicability of virtually eradicating trachoma and preventing blindness therefrom in mountainous areas of Kentucky and other States by the establishment of small hospitals and the employment of skillful treatment.

BACTERIOLOGIST ALICE EVANS

In 1918 she showed similarity of causes of Malta fever and contagious abortion and occurrence of latter infection in people. Now increasingly recognized as a cause of human illness.

DR. VICTOR HEISER, CHIEF QUARANTINE OFFICER, PHILIPPINES, 1903–1915

Demonstrated the possibility of establishing effective health service in a large tropical country with diverse aboriginal population.

DR. M. A. BARBER

Originated single-cell culture method which he first used in 1902. This opened up a prolific field of investigation. The use of Paris-green control of mosquitoes in 1921. This cheap method has made malaria control feasible in many areas where it was formerly impossible because of the expense.

In the science, skill, and technique of surgery, America leads the world. Where are the surgeons that are comparable to the Mayo brothers, of Rochester, Minn.; Crile, of Cleveland; Ochsner, of Chicago; Cushing, of Boston; Deaver, of Philadelphia; Kelly and Wilmer, of Baltimore; Blake, Brewer, Albert A. Berg, John Erdman, John J. McGrath, Howard C. Taylor, George Schwartz, John Pollack, and John Prescott Grant, of New York City—men of the highest caliber and ability, whose very names are household words in the cities from whence they come, where thousands of their benefactors are praying for their health and happiness? [Applause.]

Within a radius of a mile from the fourteenth Congressional district, which I have the honor to represent, is the greatest medical research center in the world. It is called the Rockefeller Institute. It is a monument to two of the greatest philanthropists that the world has ever known, John D. Rockefeller and his wonderful and gracious son, who is emulating his father in devoting his fortune to the best service of his fellow man. This brilliant institute has become famous through three of nature's noblemen—a triumvirate whose name and fame will persist as long as time endures.

These distinguished scholars thus far represent the three greatest scientists of the twentieth century—Alexis Carrel, Simon Flexner, and Hideyo Noguchi.

Alexis Carrel won the Nobel prize a few years ago for his brilliant discoveries in the realm of physiology, biology, and collateral subjects. He is the outstanding genius of our present time.

Simon Flexner, a great name to conjure with, internationally famous. He will live in the memory of generations that are to come for having isolated the infantile-paralysis virus, for his cure of snake venom, and, above all, for the serum that he has perfected that helps to cure and save the lives of thousands of sufferers from epidemic meningitis. As long as anywhere the tradition of science survives, Flexner's work will endure. What conquerer has ever had such victories attached to his name as Flexner has in his service to mankind? [Applause.]

Hideyo Noguchi—the great son of Nippon—came to this country in 1900 and subsequently became associated with Professor Flexner and Doctor Carrel. He devoted his supreme and brilliant talent to ferret out the causes of terrible diseases which baffled medical skill, and whose treatment made no impress upon the nature of the disease. Seldom did he fail in his accomplishment; success usually crowned his efforts.

Through his genius the organism that caused paresis was isolated. Paresis was filling the insane institutions of the world with the victims of this unfortunate malady. He localized the organism in the brain and through the microscope forced it to reveal itself to the amazed scientific world. Noguchi proved that paresis was caused by the spirochita pallida, the organism that caused syphilis.

The versatility and genius of Noguchi further manifested itself in his brilliant discovery of the organism that was responsible for the causation of trachoma—an eye affliction and disease that caused more blindness in the world than any other condition known to mankind.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. SIROVICH. Mr. Speaker, I ask unanimous consent of the House to proceed for two more minutes.

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

There was no objection.

Mr. SIROVICH. Mr. Speaker, ladies and gentlemen. Hideyo Noguchi was not content with his extraordinary and brilliant conquests in this his adopted land; he was looking for new fields of endeavor, new lands for conquest. In the name of science he set sail for South America to determine the cause of yellow fever in that land. In a short time the world was again thrilled by his announcement—he had again triumphed. He isolated the yellow-fever organism in South America. To determine whether the yellow fever of Africa was caused by the same species as South America he set sail for that pesthole in Africa.

In a short while Noguchi had himself infected with the dreaded organism that caused African yellow fever. Chills and fever raked his body fore and aft. His militant and brilliant mind refused to surrender to the hosts of yellow fever's organism. The battle waged on. At last Noguchi isolated the organism and gave to the world the knowledge that the yellow fever of South America and Africa were caused by two different hosts. Science triumphed, but Noguchi fell a victim to this dreadful disease. He died a martyr to duty. He will live in the memory of humanity and mankind. Greater love hath no man, than to give up his life for another. God bless his soul!

Mr. Speaker, ladies and gentlemen, if the grave is the end of all life, then Hideyo Noguchi's name will forever remain immortal through the great contribution he has given to mankind; but if the grave be the gateway to some future state of existence then Hideyo Noguchi, in conjunction with the great illustrious immortals that have gone beyond the Great Divide to sleep in eternal rest, will forever be revered, honored, and remembered by grateful mankind for having given of his to-day that others may have their to-morrow. [Loud applause.]

CIVIL-SERVICE SALARY INCREASE BILL

Mr. LEHLBACH. Mr. Speaker, I present a conference report on the bill H. R. 6518, the civil-service salary increase bill, for printing in the RECORD.

THE FRANKING PRIVILEGE

Mr. BRITTEN. Mr. Speaker, at this late hour I do not desire to take the time of the House unnecessarily, but I think after the address that has been made by my colleague from Oklahoma [Mr. McCLINTIC] it is only fair that I should state to the House two or three things in the direction of which they may not already be informed.

In the first place, no member of the Committee on Naval Affairs, as far as I know, was interested in what the gentleman from Oklahoma did with his franking privilege, and no member of the committee was interested in the investigation of the use of his franking privilege until the matter was presented to the committee by the gentleman from Oklahoma himself, who demanded an investigation.

Mr. McCLINTIC. I did not demand an investigation, but asked that the committee confront me with witnesses who made this charge, and this was not done.

Mr. BRITTEN. He requested an investigation by the committee. When a member of the committee in good standing, as the gentleman from Oklahoma is with every member of the committee, requested an investigation of his personal matter, it was granted, and would be by any other committee in the House.

Subsequent to that, when the date for the investigation arrived and the question of jurisdiction arose, on motion of the gentleman from Georgia [Mr. VINSON] that the committee had no jurisdiction, no authority to proceed with an investigation on a roll call, the gentleman himself [Mr. McCLINTIC]—and the gentleman has no objection to my imparting this information——

Mr. McCLINTIC. No.

Mr. BRITTEN (continuing). When it came time to investigate, and Mr. VINSON moved to refer the entire matter to the Post Office authorities, on a roll call the gentleman from Oklahoma answered present, and then immediately I changed my vote from yea to nay, in order to vote with the gentleman.

Mr. McCLINTIC. I would not vote on the question because I was a party to the controversy, but I asked to be confronted with the witness, and you had no witness there, although I offered to pay his expenses.

Mr. BRITTEN. I am trying to vindicate the gentleman; I am not attacking him. It is nobody's business what he does with his franking privilege—that is a matter for the House

itself to consider. The entire matter rested on the suggestion of the gentleman himself. No member of the committee ever suggested that there was a misuse of the franking privilege by the gentleman; we were all specific about that. No Member of the House has said that he violated his franking privilege. The whole question arose by the suggested misuse of the privilege by some one else—a pacifist organization. Every member of the committee was in accord with the gentleman, and every member of the committee desired to work with the gentleman and show to his constituents as well as to the country that he had not violated his franking privilege. There was no intention to put the gentleman—as his remarks might imply—to put the gentleman in a hole.

The gentleman now calls attention to something that had been sent out in one of my envelopes and which something, as near as I can read it, is an exact duplicate of the printed hearings before the committee. Is there any gentleman present who would deny to Edward E. Spafford, national commander of the American Legion, a reprint of his remarks before the committee if he asked for them? Certainly not. Is there anyone who would deny to Mrs. William Sherman Walker, that patriotic leader of the Daughters of the American Revolution, a few thousand copies of her remarks before the committee in order that she might send them to some of the 167,000 members of that patriotic organization? Of course not.

The SPEAKER. The time of the gentleman has expired.

Mr. BRITTEN. Mr. Speaker, I ask for five minutes more.

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

There was no objection.

Mr. McCLINTIC. I think I made the statement that I had no objection to the use of the gentleman's frank for that purpose. I brought out that the gentleman had allowed his frank to be used in a different manner from the testimony contained in the RECORD, and my report was nothing but a substitute for the majority report.

Mr. BRITTEN. The gentleman does not want to convey to the House the impression that I brought up any matter against him?

Mr. McCLINTIC. No; not there. The point is, your answer left the impression with the committee that no other person's frank had been used except mine. I had no objection to the gentleman's being used by any of these organizations.

Mr. BRITTEN. The truth of the matter is that there is a great difference between organizations. I shall not complain of what the gentleman did. That is his business. He made a speech on the floor of the House and wrote the minority report upon the bill that was before the House, and he turned 20,000 printed copies of his remarks and minority report over to this pacifist organization. That is his privilege, and I have no objection to his having done so. But I want the House to understand that in my case nothing was sent out except an extract from the hearings themselves by the individuals who appeared before the committee. It is presumed they went to their own organizations. I contend there is a great difference between the American Legion as an organization, the Daughters of the American Revolution as an organization, and some 12 or 15 others whose names I have here, who appeared before that committee, which are striving constantly year in and year out to uphold the National Government in all of its desires, and to maintain a proper national defense under the Washington treaty, and an underground organization of worms that are trying to undermine the Government every time they get a chance.

Mr. McCLINTIC. Does the gentleman want to leave the impression that my minority report was not favorable to a proper defense?

Mr. BRITTEN. Oh, no. I am not talking about the gentleman's minority report.

Mr. McCLINTIC. I was mighty glad to get any organization to mail out my report, which was in favor of aircraft and submarines.

Mr. BRITTEN. That is evident.

Mr. McCLINTIC. I am glad to have this organization or any other carry out my ideas.

Mr. BRITTEN. That is all right. I have no objection to that, but there is a great difference between organizations, and I am not referring to this one alone, but I am referring here to the American branch of the Women's International League——

Mr. JACOBSTEIN rose.

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

Mr. BRITTEN. Not now—which sent out a statement in January of this year, this American branch of the Women's International League, whose main office is some place in Europe——

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

Mr. BRITTEN. Not now—calling attention to a conference then going on in Habana, Cuba, which statement said:

> This is the time to write your Congressman and see the editors of your newspapers. What are you doing to stop the war in Nicaragua? This is the time to voice your objections to what is going on in the promotion of national defense.

I say that that kind of an organization can not be spoken of in the same breath, in the same room, or in the same nation with such organizations as the Daughters of the American Revolution and the American Legion.

Mr. BERGER. Why not?

Mr. BRITTEN. Because one seeks to uphold the Government and the other to destroy it.

Mr. BERGER. I deny that. I believe just the contrary is true.

Mr. BRITTEN. I accept the gentleman's denial. These organizations to which I have just referred, and particularly the National Council for the Prevention of War, on the pretense of having killed the Navy bill, and it is a pretense, sent out cards requesting contributions of a dollar to $5 or $10—

> because we are keeping the country and the world at peace, and what have you done for world peace, have you sent us any money?

Statements of that kind are being sent out upon the pretense of having accomplished something. I repeat that those organizations are in no sense comparable to the patriotic organizations who are sending out some of their own remarks before the Committee on Naval Affairs and nothing else. [Applause.]

BOULDER DAM

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 further 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.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 5773, with Mr. LEHLBACH in the chair.

The Clerk reported the title of the bill.

Mr. SMITH. Mr. Chairman, I yield 10 minutes to the gentleman from Connecticut [Mr. TILSON].

Mr. TILSON. I have hesitated to take any time from either the proponents or the opponents of this bill, because, to be perfectly truthful, I have studied the bill seriously for only about a year, and no one with only a year's study can claim to understand anything like all the difficulties of the problem dealt with in this bill. I have sat through this debate and have heard practically everything that has been said. I heard with interest and pleasure the gentleman from Arizona [Mr. DOUGLAS] yesterday in a masterly argument, and if he could have convinced me I was ready to say that I would join him and help him defeat action on the bill at this session. After hearing him through there were still certain points that remained in my mind that I was not satisfied that he had answered. I am now going to think out loud to the members of this committee the thoughts that occur to me as to these points.

The Boulder Dam project is a very great undertaking, one of the very greatest that has ever been proposed by man. It ought not to be held up or delayed except for very good reasons. All are agreed as to one thing, which is that flood control on the lower Colorado, in order to reasonably protect life and property in the Colorado delta, is one thing in which the Government ought to interest itself. The question then arises as to how this should be done. If in the doing of the thing that all agree ought to be done we can at the same time do something else useful and highly beneficial, common sense would say that we ought to do it.

Mr. DOUGLAS of Arizona. Mr. Chairman, will the gentleman yield?

Mr. TILSON. I prefer not to yield, because I do not profess, as I said in the beginning, to be expert enough to answer the gentleman's questions. I prefer that he would wait until I am through to answer me if he will. I thank the gentleman for his courtesy and am sorry not to yield, but I am afraid that I can not add much in the way of light.

I was saying when interrupted that if in the doing of this thing that we must do—flood control, I mean—we may at the same time perform a great and useful service in addition, then I think there should be very good reasons for refusing to do it.

It is agreed that flood control is necessary, and that the proposed Boulder Dam will adequately serve this purpose. It is claimed that flood control alone can be effected by the erection of a smaller dam somewhere else, and this I believe to

be true. It is admitted that while a lower dam at some other place might regulate the stream flow, it would not produce power.

Mr. DOUGLAS of Arizona. Mr. Chairman, will the gentleman yield there?

Mr. TILSON. No; let me go on. Undoubtedly my remarks will be full of inaccuracies owing to lack of full information, but I hope that the gentleman will wait until I am through and then correct all of my inaccuracies en bloc.

The proposition to build a high dam at Boulder or Black Canyon will undoubtedly produce power and a great deal of it. Now, I am as much opposed as anybody could possibly be to the Government going into the power business, or into any other business. I am absolutely flatfooted or bottomed on the proposition to keep the Government out, so far as possible, of any industrial enterprise. Here is another instance, however, like some that we have faced heretofore on other matters, where the conditions are such that we must face them. The duty of flood control must be met. The dam at Boulder or Black Canyon will serve the purpose admirably; and at the same time, it is claimed by the proponents of this bill, will do something else of a highly useful character. It is further proposed that those who receive the benefit of the additional service shall pay not only the additional expense but the entire cost of the whole undertaking.

It is stated very clearly, as it seems to me, in one section of the bill that before the Government spends any money in connection with the project it must, by contract or otherwise, make adequate provision for amortizing the cost. And I understand that it is proposed to cut out the "otherwise" so as to make it clear that the intention of the law is that, before any money is expended, the Secretary of the Interior must be satisfied that provisions are made for amortizing the entire cost of the undertaking.

Are we to assume that the Secretary of the Interior is going to act in bad faith, and that he will not do what he is required to do by this law? I do not believe that we should assume this. I credit to the Secretary of the Interior, whoever he may be, the same honest intentions that I would have under like circumstances. If I were in his position I should be careful, in fact, very scrupulous, about carrying out this law in spirit as well as in the letter. Clearly the spirit of it is that the people in southern California who are to receive the benefit or, at any rate, the principal benefit, of this enterprise, shall pay for it; and I understand that they are entirely willing to assume the responsibility of paying for it. They are willing, as I understand the proposition, before any work is done or money expended, to enter into contracts binding them to pay for it.

Here then is a clear case, it seems to me, where we can serve two useful purposes, in fact, three, at the same time—flood control as soon as the dam is constructed, irrigation in the future when needed, and at the same time produce power, which should be made to pay for everything in the end.

If it is not so arranged that the power to be created shall eventually pay the full cost, then this a "gold brick" being passed to us. I for one have faith in the administration of my Government that it will accept no "gold bricks," but that this tremendous undertaking will be carried out on a business basis and that the contracts that are to be entered into will be valid and binding before any money is expended on this project.

These being the facts in the case, it seems to me, as an outsider living far away from the Colorado Basin, as one who has no interest except a general interest in the welfare of my country, and not wishing to stand in the way of any great improvement, I would not be justified in voting to postpone indefinitely the beginning of so great a project.

The questions I have thus raised are those that have bothered me most, and I believe that these same questions are bothering others; but I have resolved in my own mind that with the situation presented by these facts before me I can not stand up any longer and say "We will not do anything at all." [Applause.]

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

Mr. TILSON. I yield to the gentleman.

Mr. COX. I am in hearty accord with the statement of the gentleman, and recognize the fact that Congress can not well adjourn without doing something to take care of this subject. But I would like to ask the gentleman if it is his impression that those who are benefited as the result of flood control are expected to pay for flood protection?

Mr. TILSON. I so understand.

Mr. COX. I do not understand that to be true. I think this comes, so far as flood control is concerned, in complete parity with the Mississippi Valley problem.

Mr. TILSON. Please do not take up too much of my time.

Mr. COX. All right.

Mr. TILSON. It seems to me that the flood-control problem is the thing we must face, because while the menace may not be such as to threaten to overwhelm people at any moment, still considering the amount of silt the river is carrying down each year it is only a question of time when something serious will happen down there in the delta of the Colorado. I think we ought to begin some time in advance to take steps that will effectually prevent such a calamity. [Applause.]

Mr. DOUGLAS of Arizona. Mr. Chairman, I yield to myself five minutes.

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

Mr. DOUGLAS of Arizona. Mr. Chairman, inasmuch as the gentleman from Connecticut [Mr. TILSON] did not feel he had the time to yield, I have, more or less against my will, taken this opportunity to reply to the few statements he has made.

He has stated that flood control is necessary. I think he is right. He has stated that it can be given either by the construction of a low dam, which will produce no power, or by the construction of a high dam at Boulder Canyon, which will produce not only flood control but also, as he contends, something useful. His first statement is erroneous. A dam 100 feet high at Mohave will produce approximately 200,000 horsepower, and I refer the gentleman to the report made by the United States Geological Survey.

Mr. SWING. Will the gentleman tell us what LaRue says about that reservoir being empty about eight months out of the year?

Mr. DOUGLAS of Arizona. Not for the 10,000,000 acre-foot dam nor for the 22,000,000 acre-foot storage dam at Mohave. In the second place, the gentleman has said that the Boulder Dam, the high dam, will produce something useful. I am glad that at that point he did not use the word "profitable." He did, however, subsequently imply that to be the case.

The Boulder Dam power, members of the committee, if sold at a figure to provide sufficient revenues to reimburse the Federal Government for its cost, will be sold at a figure between one mill and half a mill, or a mill and a half higher than that same power can be produced by steam in the load center or by Colorado power at an economic site.

Now, what is the sense or logic of Congress authorizing a power project when the power to be developed at that project is going to be more costly than power developed elsewhere?

Mr. TILSON. Will the gentleman yield?

Mr. DOUGLAS of Arizona. I have yielded myself five minutes, sir, and I have another gentleman to whom I desire to yield time, so I can not yield. Now, then, the gentleman says the city of Los Angeles, nevertheless, is going to contract for that power. A contract is a binding and effective contract only if the parties thereto are mutually benefited. The very minute the city of Los Angeles appreciates that she can get power cheaper, what is the city of Los Angeles going to do? She is going to come to Congress and she is going to say, "I want to annul or amend the contract."

Now, as a matter of fact, if the gentleman has looked at the Senate bill he will find there is a provision in that act which compels the Secretary of the Interior to sell the power upon a competitive basis, and I submit this to the gentleman from Connecticut: That to sell power on a competitive basis is absolutely incompatible with selling power to amortize cost. Any contract which the Secretary of the Interior may make with the city of Los Angeles will be a political contract, and I submit to the Members of this House that almost every political contract which has ever been made has been either annulled or amended, and that is the sort of contract the Members of this House are authorizing the Secretary of the Interior to make.

Gentlemen, those are the economics of the bill, and I submit to the Members of this House that in view of that situation it is impossible for the Federal Government to be reimbursed for its expenditures. [Applause.]

Mr. Chairman, I yield the balance of my time to the gentleman from Kansas [Mr. SPROUL].

The CHAIRMAN. The gentleman from Kansas is recognized for eight minutes.

Mr. SPROUL of Kansas. Mr. Chairman and members of the committee, I wish to call the attention of the Members to a national and internationally well-known policy of this Government, namely: That the Government shall always refrain from engaging in competitive business; to pursue such policy and attitude toward private business as shall not discourage, but shall encourage it to seek investment in all lines of legitimate business. This policy of the Government has always induced capital to be and continue active in all channels of legitimate enterprises both small and large. Our statesmen and the press have taught these ideals and policies of Government.

The schools of our country have taught young men and women the science of economic business management, qualifying them to be self-reliant, aggressive business citizens.

Along with the equal liberties, opportunities, franchises, privileges, and immunities which are guaranteed by the Government to its citizens to make them a proud, patriotic, sovereign people in being active in governmental affairs are equal ecouragements, immunities, and assurances concerning business affairs. In fact, Mr. Chairman, the genius of our Government lies in the interest it has shown for the making of a good citizenry—an independent, self-reliant, resourceful, sagacious, and keen-minded people. Now, shall we be unappreciative of the great document, the Constitution, and the purposes of our people in the operation of the Government under it in such way as to virtually destroy its greatest worth; to rue the course which the Nation has pursued toward private industry and enterprise. By our action in putting the Government in business, shall we end a most enviable and exemplary career for our people and Government? Shall we take the first long stride toward communism?

Shall this Government, merely because there exists within its territorial boundaries a site for a great power dam, and much capital is required to construct the dam, break away from our historical and most successful national policy and build this dam and operate the power project connected therewith?

This Government enterprise would only be a beginning of the Government in business. There are many other attractive water-power sites in the United States. The "pork barrel" and other lobbying methods by which this proposition may be put over can and will be adopted to put over similar enterprises throughout the United States. And when we once begin and complete the first and largest of all of these projects, five or seven States will have pledged their support to similar enterprises to especially benefit other sections of the country. When a number of them have been completed and put into operation by the Government, more bureaus and their nefarious powers will have been added to the Government's burdens. When the Government thus gets well started into competitive industrial activities, private capital will retreat. Then the Government will have to continue in business, and we will have at least modified communism with all of its un-Americanism.

I believe it was President Harding who especially emphasized our national policy of staying out of business by saying, "There should be more business in government and less government in business." This policy has up to the present time been stressed and followed by President Coolidge. Whether he will continue to adhere to it remains to be seen.

The Colorado River admittedly has never been and never will be a navigable stream in the sense that commerce by means of boats and ships will be conducted on it. No one seriously contends such a thing for it. So that there is no reason, no justice, no fairness, no truth in the assertion in the bill that the legislation is for improving the river for navigation. Such statements are deceptive and misrepresentative.

Two other purposes for the legislation are set forth in the bill. One is to improve irrigation and reclamation. By many it is claimed that no greater number of acres will be irrigated should the plans of the bill be carried out. If that be true, the expenditure of millions of money merely to build a canal within the borders of the United States, making the water from the same river available in United States instead of in Mexico to irrigate the same lands, would be money wasted. On the other hand, should it be desired to put under irrigation and cultivation additional lands, at a time when the farmers' markets are destroyed by overproduction; at a time when the Federal Government has been endeavoring to discover a legislative method for securing the farmers a living market for their produce, then and in that event the legislation is ill advised and unwarranted, because surely everyone would say that the Government should not tax its people to produce more farm produce when the farmers are already suffering from overproduction. There would be no common sense, no business economy in such a movement.

Another declared purpose of this legislation is flood control. It is estimated that the maximum appraised value of all the agricultural lands susceptible to injury from floods in the Imperial Valley is only $36,000,000. Like everybody else who have purchased lands and moved upon them, the people who own and live upon the lands in the Imperial Valley are certainly not deserving of any more attention than other people throughout the United States who live upon lands threatened with flood damage.

Does the Government of the United States owe to the people of the Imperial Valley any greater obligation to protect them against floods than it does to people similarly situated in other parts of the country? We certainly think not. What are the facts concerning the flood peril to the inhabitants of the Imperial Valley? It is said there has been one overflow or flood inundation within the past 21 years, this one flood occurring in 1916, 12 years ago. While a few lives were lost, all were lost through their own individual carelessness.

Within the past four years the damage in money to the people in my district in the State of Kansas has been fully as much if not more than the total value of the lands and property along the Colorado River in the Imperial Valley. Damages perhaps equally extensive have been done by floods in many different places throughout the United States within very recent years, and yet the Congress is not undertaking to prevent the recurrence of such damages to the respective localities in the different parts of the United States. While it has recently enacted legislation to protect the flooded area along the lower Mississippi River, a really and in truth navigable stream, over which the Federal Government has exclusive jurisdiction, yet in no case has the Federal Government undertaken to protect the lands and property in such a small area in any other part of the country. So that it can be truthfully said that the Government is not proposing to enact the so-called Boulder Dam bill merely to protect the property and lands in the Imperial Valley against floods. The Government surely would not be so unfair as to deny many other imperiled sections and people equal protection with those living in the Imperial Valley. So that we may truthfully say the purposes of this bill are not to improve navigation, are not for reclamation or irrigation purposes, and are not primarily for flood protection, but, on the other hand, the Government has been especially superinduced by very objectionable lobbying to enact national legislation for special and local interests.

Specifically, the purposes are to provide a guaranty to southern California cities that they shall have an unlimited amount of water for municipal purposes and also to supply them incidentally with what would be termed "cheap power," although this is probably merely imaginary, because it is extremely doubtful that cheaper power can be furnished without great loss to the Government.

It is a pertinent question, Mr. Chairman, to the American people, to ask how much this great venture will cost the people. We may say from all expert opinions which have been advanced that the completion of the structure, together with power plants, will cost between one hundred and twenty-five and two hundred and fifty millions of dollars.

The plan provides that guaranties in the way of bonds or contracts shall be put up by and from the five or six States guaranteeing to the Government the purchase of water or power in sufficient quantities and at sufficient prices to insure the return to the Government of the cost price of the enterprise plus 4 per cent interest thereon within 50 years. In many parts of the country money is worth 8 per cent interest. Yet, the people throughout the country indirectly loan these hundreds of millions of money to the Government that it virtually gives to four or five States for their special benefit. Can it be shown to the people who really pay these taxes how it will benefit them? It will be a great detriment to them. It is a great detriment to the Government. The fact that there is a great dam site possibly available to the Government and the further fact that the Government is able to build the dam though the Government does not need it are certainly not good reasons for the passage of the bill.

I do not believe, Mr. Chairman, that any sufficient and enforceable contracts can be made by either or all of the States or the municipalities within the States especially interested to assure the repayment of the money involved with 4 per cent interest. If this proposition were submitted to the respective taxpayers throughout the United States for their approval, with the understanding that they would begin respectively paying their proportionate share of this $200,000,000 with the first payment by the Government on the project, realizing that the money to be advanced by them would be returned at the end of 50 years, with 4 per cent interest thereon, not 5 per cent of the people of the United States would indorse the project, and yet, how lightly we as Members of Congress look upon this mammoth venture.

It seems to me that we should think of where these hundreds of millions of dollars are to come from; of just what class of people are to furnish all of this money to the Government. Mr. Chairman, it comes from the farmers, every one of them; it comes from the miners, the mill workers, the railroad laborers, the organized and unorganized labor; it comes from every citizen who purchases food, clothing, or anything else required by him or her in their everyday life. These are the people who through labor, sacrifices, and denials contribute to these hundreds of millions which the Congress in unbridled prodigality gives away to private and semiprivate purposes and uses, to

sections of the country and to people in certain localities, to whom the Government is under no obligation whatsoever. The Government is under no obligation to furnish a particular city with a supply of water. Such a thing has never been done so far as we know. And so we are taking the people's money by the millions and giving it to prosperous, growing cities, and communities.

One objection to the Government getting into the water-power business is that labor in coal mines, in producing coal to be used in producing electric power in cities, will be displaced and the labor in the coal mines will be out of employment by the use of water power. The miner, therefore, who would have a share of these millions of taxes to pay would be robbed by the Government of employment and business in which to get the money to pay his share of the tax burden.

If this bill is not unconstitutional it surely ought to be. While the Government is thinking of making a nice present in the form of hundreds of millions of dollars to people the Government is under no obligation to, should not we think of the resulting hardships that we are imposing upon the people who have it to pay?

Is there anything just, is there anything equitable, is there anything fair done by this bill to those who have this money to pay? No; on the other hand, it is miscarried justice and equity.

One of the Representatives from the city of Los Angeles, in support of this bill, says that Los Angeles is prepared to raise a hundred million of dollars to promote its interest for more water. If that be true, why not allow the State of California, or Nevada, or Wyoming, or Utah, or Colorado, or New Mexico, or Arizona, or collectively or any other way they choose to raise the necessary money to build and operate this dam, instead of involving the Federal Government in the enterprise? If this tremendous dam, more than 650 high, should by earthquake or imperfect construction give way turning the great body of water loose, who would be responsible for all the terrible damages produced from such a calamity? Why, the Federal Government, of course. Then, instead of our having protected somebody against floods we would have brought the floods upon them. The Federal Government would be liable, in all probability, especially if through any negligence and carelessness the dam should break and the damages follow.

Oh, Mr. Chairman, there is nothing in this bill but demerit, injustice, unfairness, unconstitutionality, a violation of our national policy of keeping the Government out of business, great damage to industry and the people of the country. But, ultimately, when the taxpayers' money has been wasted, they will never get even the interest back, much less the principal; and when the time comes that the people rebel against the Government being in business this dam will be given away or sold for a song. It is the most ill-advised venture upon which the Government has ever ventured. It will either lead us into a communistic government or else we will give it away and sustain its entire loss. And the latter would be preferable to the former.

Mr. SMITH. Mr. Chairman, I yield the remainder of my time to the gentleman from Colorado [Mr. TAYLOR].

Mr. TAYLOR of Colorado. Mr. Chairman, with only the few minutes alloted to me to close the debate on this bill that has held the attention of the House for the past two days, it is utterly impossible to sum up all of the hundreds of questions that have been raised, and I must decline to be interrupted or to answer any questions.

I will mention hastily only a few matters, and will speak primarily from the standpoint of the four upper-basin States of Colorado, New Mexico, Utah, and Wyoming, and try to show the House why this legislation is so far-reaching and vitally necessary for their welfare.

The Colorado River is often called the Nile of America. It is the only great river in the world entirely within an arid region. For this reason it is intrinsically the most valuable stream in all the world. The very life, the prosperity, and future development of all those seven great Southwestern States depend upon who controls the system and manner of use of the waters of that river. The main stream and its tributaries contain the only water there is in all that great drainage basin of 250,000 square miles. There would not be one inhabitant to-day in all that great region if it were not for the waters of that river. Just a few years ago it was a wild and barren waste, occupied by only a few thousand Indians and myriads of wild animals. And while it is now only partially developed, yet between the source of that great river in the Rocky Mountain National Park in my congressional district and the Gulf of California, 1,700 miles below, there are living to-day several million of the most virile, energetic, loyal, and highest class of American citizens under our flag.

By untold hardships, privations, perseverance, and toil they have during the past half century reclaimed that arid wilderness and created property values of many hundreds of millions of dollars. Moreover, they have builded there as high a type of civilization as there is anywhere on this planet. The noblest instinct of the human race is the longing to establish a home and rear a family. Why did all those people and their parents leave their eastern homes and friends and go out into that most uninviting region to obtain a home?

Listen, my colleagues, and I will tell you. It was because Uncle Sam invited them to do so, and as an inducement he faithfully promised all those pioneers a sufficient amount of that public domain to make a home upon, and also a sufficient amount of the waters of that great river and all its tributaries to properly irrigate that land and also for domestic and all other useful purposes. That 250,000 square miles of unoccupied Government land in the Colorado River drainage basin and all of the waters of that great river and all of its tributaries were unconditionally offered as a premium and irrevocably dedicated to the use and benefit of those pioneer settlers and their descendants forever for the purpose of reclaiming and populating that region. The Government reserved some tracts of lands but made no reservation of any of that water.

Congress has enacted a great many public land laws to protect settlers in their rights to their land claims. And when each one of these States was admitted into the Union its constitution and the enabling acts of Congress admitting every one of them expressly authorized, confirmed, and dedicated forever the waters of all the streams in each State to the people for their use and benefit for irrigation, domestic use, and any and all other useful purposes. The right to both the land and the water became a birthright to the people of each of those States. In fact, this right of a public-land settler in an arid region to take and own water to irrigate his land and also water to drink and water his stock has been the established and recognized law of the West for nearly a hundred years.

That universal law is now written in hundreds of statutes and thousands of decisions. By that law of the arid West each one is entitled to only the quantity of water that he actually takes out of the stream, and beneficially uses; that is, applies to some beneficial purpose. When he does divert and make that use of the water, that quantity of water is his sole property, just as much as the land is his when he gets a patent to it from the Federal Government.

Then, in the orderly use of that water as between the various owners, what is called the "Doctrine of Priority" applies. That is, "First in time, is first in right." A court determines every man's right on every stream, both as to his priority—that is, the date that his appropriations should have—and also the quantity of water in cubic feet per second of time to which he is entitled.

Those priorities are all numbered chronologically on all the streams and tributaries. It is all thoroughly systematized. An entire stream is treated as one entity, and every man has a prior, senior, and superior right to his amount of water ahead of every other man on the same stream whose date is subsequent to his. And, on the other hand, every man's water right is junior and subservient to every right ahead of him, and State officials see that everyone gets his share and no more.

Now, there are very few streams containing enough water to supply all the claimants. The ordinary natural flow of nearly all those streams is now appropriated. But the high water, the flood water, is not appropriated. Consequently, the doctrine of priority of rights becomes tremendously important. Neither county lines nor State lines cut any figure. It is the stream itself that counts.

The Colorado River is one stream, one entire entity from the source of its longest tributary—the Green River up in the Wind River Mountains in Wyoming—to the Gulf of California, 1,750 miles, is one stream. That principle has been so decided by the United States Supreme Court in the case of Wyoming against Colorado.

An appropriation of water in one State is superior to a subsequent appropriation on the same stream in another State.

Colorado and Kansas and Wyoming litigated that question in the United States Supreme Court for over 20 years, and spent millions of dollars. That litigation was ruinously expensive and not at all satisfactory to either State. So to avoid a repetition of that experience and, in fact, to prevent interminable litigation, strife, loss, and expense between each and all of these seven States in the Colorado River Basin, litigating each other about eight years ago, we all mutually agreed to appoint representatives of each State and get together and see if we could not amicably come to a mutual agreement as to a division, apportionment, and system of use of all the waters of that river among those seven States.

On August 19, 1921, Congress passed an act expressly consenting to those seven States entering into that kind of a seven-State compact. Each State appointed its commissioner, and Secretary Herbert Hoover was appointed by the President as the ex officio head of the commission. They worked very diligently, and after a great many meetings, on November 24, 1922, at Santa Fe, N. Mex., all the commissioners reached a mutual understanding and all signed an elaborate interstate agreement approved by Mr. Hoover. That has ever since been known as the "seven States compact." Roughly speaking, the commission assumed from the measurements that the average minimum flow of the entire stream, including all its tributaries, was about 16,000,000 acre-feet of water. An acre-foot of water is enough water to cover an acre of land 1 foot deep. That is the way engineers estimate the quantity of the flow of a stream. The commission could not agree upon a division of all that water up among each one of those seven States. But inasmuch as the four upper States of Colorado, New Mexico, Utah, and Wyoming are above the long Grand Canyon of the Colorado River and the three lower States of Arizona, California, and Nevada are below the Grand Canyon, that was a natural topographical division between that upper basin and the lower basin. So the compact specifically awards 7,500,000 acre-feet of the water of that river to the four upper States jointly and collectively to be thereafter divided among them in such manner as they may be able to agree upon.

And awards 8,500,000 acre-feet of water to the three lower basin States jointly.

That lump-amount division was absolutely fair and right to each of those two basins. All the States agree to that. No one does or can deny that. The legislatures of all the States except Arizona promptly agreed to and ratified that compact. Arizona never has, and declares she never will ratify that compact until she reaches an agreement with California as to what share she is going to get out of that 8,500,000 acre-feet that is allotted to the lower basin. The four upper States have been patiently waiting all these years. But those two States have never been able to come to an agrement, and the whole compact has been held up now for nearly six years on that account.

In the meantime, Arizona has been rapidly appropriating water and acquiring priority rights—in fact, all of the flow of the Gila River, a large tributary of the Colorado River—and making vast reclamation developments while all important development in the other six States is practically at a standstill by reason of Arizona holding out.

There is no possible way of estimating the irreparable damage those upper States have been caused by this delay. But that is not the worst of it. Some enterprising American citizens claiming the protection of our Government and laws and also the Mexican Government and laws several years ago purchased for a trifling sum a million or more acres of land in old Mexico, just adjoining our border, and they compelled the Imperial Valley, Calif., people to give them free half of all the water they take out of the Colorado River in the United States and run through their own canal, because that canal runs around down into and about 60 miles through old Mexico on its route from the river to the Imperial Valley in California.

With that free water those Americans have been very industriously bringing in about 30,000 acres of new land every year, and irrigating it with Colorado River water that we all need and own in those seven States, and they are very rapidly acquiring priority right to it. During the time this compact has been so held up, California has been prevented from building a canal all in our country to get away from that demand made by those ingenious Americans under the guise of the Mexican Government. And those American citizens operating that land in old Mexico have already brought under cultivation about 200,000 acres of that land, and if Arizona can hold off this compact a little longer, they will have the whole million acres under irrigation with our water for nothing, and it will prevent our own development in our States just that much.

If Arizona—and now Utah has joined her—can prevent the passage of this bill and any adjustment of this matter for a few years longer, there will be no water left in that river for us to divide. Mexico will have it all. I do not charge anybody with being paid for it. But this delay by this quarrel between those States is worth many millions of dollars a year to Mexico and those so-called American citizens and their associates in this gigantic scheme of looting our country for the benefit of Mexico and themselves. And sometime when we come to making a treaty with Mexico over the use of that river, as we will have to do before long, we will be compelled to let that water run down to her.

But these years and years of bickering between California and Arizona has a very much more serious hazard and menace to the upper four States than even the Mexican situation. Those lower States, especially California, have developed and are now developing very much more rapidly than the four upper States are. The cities of southern California are growing at the rate of 150,000 population a year, and they have about reached the limit when they have absolutely got to have this Colorado River water to drink and for irrigation, power, and all kinds of uses.

There are now pending before the Federal Power Commission over 30 applications for permits and licenses to put in high dams and large power plants and vast irrigation projects on that river, all of them to be located in that lower basin. Some are for Los Angeles and other cities, but most of them are by large power companies or associations. If even one-fifth of those permits are ever granted before we get settled in some way this apportionment of that river made between the upper and the lower basins they will make and acquire appropriations of water authorized by Federal permits that will take every drop of both all the natural flow and all the flood waters of the entire stream and all its tributaries. If that happens, nobody in any of those upper four States will ever in the future be permitted to take out another ditch, or put in a reservoir, or power plant, unless and until they go down to California or Arizona, or to their offices in Los Angeles or New York City, and obtain permission from those power companies to do so, and pay a royalty for the privilege and for the amount of water they each use. Our rights of future development will be irrevocably gone forever. That is the frightful calamity that we in the upper basin States are threatened with right now. That would be such an appalling and outrageous hardship upon Colorado, New Mexico, Utah, and Wyoming, that I know no honest man on the floor of this House wants to inflict that infamy upon us. That is what I have been fighting against for 20 years. That is why we must have this bill passed.

Our upper States are newer and farther from markets, and we are not ready to develop yet. We have some four or five million acres of arid land that we can irrigate sometime, if our water is not taken away from us in the meantime. Two-thirds of all the water, of all the gigantic floods, that are poured into the Gulf of California by that river come from 20 counties on the western slope of Colorado in my district. In the entire United States there are only 60 mountain peaks of over 14,000 feet elevation, and 42 of them are in my congressional district. That water comes from those peaks and falls nearly 10,000 feet in Colorado. That is power enough to almost run the entire western half of this country.

I have lived right on the banks of the main stream of that great river for over 40 years, and being the only Member of Congress that ever has lived beside it, I feel not only a very great personal interest in and affection for it but also a very great responsibility and a solemn duty to do my utmost to prevent, if humanly possible, this and all succeeding generations in Colorado from being deliberately robbed of their birthright in that stream. In the years to come our beautiful capital city of Denver and many other cities and towns will need that water, and I do not want them to be compelled to pay some power company for it.

While, as most of you know, the act of Congress of March 4, 1927, of which I was the author, prohibits the Federal Power Commission from granting any permits on that stream or any of its tributaries before March 5, 1929, and we are by that act protected until that time, nevertheless, that date will soon be here, and I am most desperately anxious to have something definitely done by the States, or by the United States Supreme Court, or by Congress before that time, to preserve our future water rights in those four upper States.

We have not the present market or the means of making use of our rightful share of that water now. We can not now make actual legal appropriations of it. We must for several years yet let practically all that water we are not now using run down to our neighbors below. We will be glad to have them use it in the United States in the meantime. But we want our just share of it reserved to us, so that when in future years we gradually bring in more land and build cities and put in power plants of our own we will not be prevented from doing so by an injunction from some Federal court down in California. The water will always run down to the lower States anyway. But we want to be protected in our right to use it first. Our just proportion of the unappropriated flood waters of that stream is worth many billions of dollars to the future welfare of each of those four upper States.

Now, there are only three possible ways of our being protected. The natural and best way would be by all those seven States ratifying that compact, as they should, and having it approved by Congress. That is the safest, most honest, inexpensive, and fairest way to adjust and settle it forever. But Arizona blocked that for five years, and Utah has joined her

during the past year, so there is no present hope of a seven-State compact. There are too many adverse interests.

The next best way of determining, guaranteeing, and protecting the respective rights in that stream of all of the seven States would be to bring a suit in the United States Supreme Court for that purpose. There is no question but what under the Constitution and decisions that court has jurisdiction and would take jurisdiction of such a suit. I have always been in favor of that course, instead of being held up and brazenly robbed all these years. But, of course, there would be some expense and it would require some time, and thus far no State seems willing to start it, so that remedy is unavailable now.

The only other way is by this bill specifically enacting the provisions of that seven-State compact into a Federal law, and requiring at least six of those States, including California, to ratify it and let the seventh State of Arizona or Utah take her chances on going it alone, if she refuses to come in. This is the only practical way we have of adjusting this 7-year-old controversy and allowing development to proceed throughout those seven States. That is the main object and purpose of this bill so far as the upper States are affected by it, and I am confident the terms of the bill are fair and amply protect the rights of all of those seven States.

The four upper States should be and three of them are willing to take their joint allotment of that 7,500,000 acre-feet and divide it among themselves afterwards. And the three lower basin States should be willing to do the same. But Arizona has never been willing to do so. In a word, what the upper States want by this legislation is to protect our water rights for future development, and also to prevent the present gigantic waste of flood waters that might be used, and also prevent Mexico from getting all of it. We are not otherwise directly concerned in this long and bitter strife between Arizona and California.

Arizona Senators and Representative now loudly proclaim that Congress has no constitutional authority to pass this bill, and that its enactment would be unconstitutional, and they defiantly threaten to bring an injunction suit in the United States Supreme Court to restrain the Secretary of the Interior from executing this law. To me that bluff has always seemed perfectly absurd and utterly ridiculous. I do not see how anybody can be fooled or scared by that.

There are, in my judgment at least, four good reasons why such a suit would not be entertained by that court for a minute:

First. The Colorado River is a great international stream, with express international treaty and other mutual national obligations pertaining to it between our country and Mexico. Will any sane lawyer say that Congress has no authority to enact legislation pertaining to the control of that great river?

Second. It is a navigable stream. It is navigable both in fact and in law. Moreover, it is expressly recognized by and declared to be a navigable stream by the treaty of Guadalupe-Hidalgo between the United States and Mexico. Will any intelligent person say that Congress can not legislate upon matters affecting the use of a navigable stream when we have been doing so every day for a hundred years? No State, or city, or corporation or anybody can even build a bridge across any navigable stream anywhere in the United States without an act of Congress expressly permitting it;

Third. Will any Federal court hold that Congress has no authority to enact legislation for flood control when we have been doing so for a great many years, and just this week authorized an appropriation of some $400,000,000 for that purpose; and

Fourth. It is a great interstate stream, and a boundary stream between States, and running for 1,750 miles through and over the public domain of the United States. All that public land is still under the control and jurisdiction of the Federal Government. If any State thinks Congress is going to abdicate its jurisdiction over the lower part of that river, let it go ahead and start something.

In other words, the four upper States have three great objects in the enactment of this legislation:

First. To protect and secure their exclusive and conceded right to the 7,500,000 acre-feet of water by the enactment of the seven-State compact into a national and six interstate laws.

Second. To conserve the water from waste and to stabilize the flow.

Third. To prevent as soon as possible Mexico from acquiring any further adverse rights to the water.

The lower-basin States have some six great objects in the enactment of this law:

First. To protect the Imperial Valley 250 feet below sea level from destruction by floods.

Second. To stabilize the flow of the stream and to supply domestic water for Los Angeles and many other southern California cities and conserve the water and prevent the present enormous waste.

Third. To irrigate a large amount of new land.

Fourth. To build the all-American canal and get away from furnishing Mexico 50 per cent of all the water they divert from the stream.

Fifth. To generate enough power to pay for the entire project within from 30 to 50 years.

Sixth. To as soon as possible stop Mexico from acquiring further rights that will be superior to ours. Arizona and Utah are just as much interested and will be just as much benefited by all those objects as the other five States are.

The gentleman from Arizona [Mr. DOUGLAS] made a speech of two and a half hours attacking the feasibility of the Boulder Canyon Dam. That is purely a matter of engineering that we are amply providing for and guarding against. It is enough for us to know that the Government, through the Geological Survey and the Reclamation Service and others, has spent $2,000,000 and 10 years' time in that very investigation, and more than 40 of the most eminent and best engineers in this country have pronounced it a perfectly feasible and safe and practical engineering proposition, and I am sorry the gentleman from Arizona does not agree with them.

He says there might be earthquakes in that vicinity. Of course, there might also be earthquakes here in Washington. But I am told there are old stone and adobe buildings down there that have stood for nearly a hundred years without a crack in them. All the criticisms made by the gentleman were made hundreds of times against the construction of the Panama Canal, and that seems to have turned out to be a wonderfully successful piece of engineering.

This million-dollar power lobby here in Washington boldly says this bill shall not pass. The question naturally arises as to who is running this Government. The hearings now being conducted by the Federal Trade Commission show that the power interests not only have a large number of very high-priced agents operating here in Washington, but that some of them are ex-Senators, ex-governors, and other prominent ex-officials, and that vast sums have been and are being expended upon thousands of newspapers throughout the country, and upon business men's organizations, and schools everywhere, and women's clubs, and apparently anybody that will take the money, and that there are millions of dollars being expended by the combinations of power companies all over the country to influence public sentiment and to prevent the passage of this Boulder Canyon bill.

They have three great objects in view before this Congress at this time, namely: The first is to either grab Muscle Shoals themselves or kill the bill providing for its operation. The second is to kill this bill and prevent the Government from building the Boulder Canyon Dam, and thereafter seize that river themselves by the aid of the Federal Power Commission. The third is to prevent any dams being constructed on the Mississippi River or any of its tributaries in connection with flood-relief legislation. They are determined to prevent the Government from building any dams or generating any power anywhere.

Their hue and cry against the Government going into business is a hypocritical and false pretense. Congress has no intention of putting the Government into the retail power business at all. Congress has no desire of any such course. Some of us are trying to prevent these enormous natural resources from being stolen by false pretenses for the purpose of exploiting the people thereafter. There is only one question involved in this bill, namely: Will you vote to preserve that river for benefit of this and all succeeding generations of the people of those seven States, or will you make the Power Trust a present of it? This Colorado River is too large and valuable a property to ever be turned over to any private concern.

The rights of those seven States are too vast and vital to ever intrust to any private corporation. The right of those States and of all the concerns taking water therefrom are too enormous and far-reaching to ever be turned over to the tender mercies of any power trust. There is only two sides to this question. Our votes will be either in the interest of the people of those States, or for the benefit of the power trust. There is no other issue.

This dam should be built by the Federal Government to protect the Imperial Valley from utter destruction, and conserve the gigantic floods of that river so the States may all obtain their just right thereto. Uncle Sam should for many years to come stand at the switchboard and see that all those seven States and all the cities adjacent to the river and industrial plants are permitted to obtain their just share of that power as they need it. The States and cities and corporations and all

persons should buy that power from Uncle Sam wholesale at the switchboard, and pay such price as is necessary to amortize its entire cost and reimburse the Government for the construction, and thereafter the project should be turned over to those seven States for their mutual use and benefit, and let it be conducted by the States substantially the same as the water users associations are to-day successfully conducting the reclamation projects and power plants thereon for the use and benefit of the surrounding public.

That is not putting the Government into business. It is honestly protecting the rights of the people to their use of this water which they now own. While the people own it now, yet there must be some supreme supervisory system of control to protect the weak against the strong and allow future development of the newer States and poorer and less developed communities. That is the humane, the fair, and honest purpose of this bill, which the power interests are striving so desperately to defeat. They do not want any seven or six State compact, because they want their plants in the lower basin to appropriate and include our 7,500,000 acre-feet up the stream.

A few of us from those Southwestern States have been earnestly and hopefully and persistently working on this matter for years, trying to protect and conserve for all the future generations of those seven States this, their greatest birthright. I do not propose to let the Power Trust hold all those seven States by the throat and compel them to pay an extortionate price for the use of our own water.

We are being fought by the most gigantic and unscrupulous and corrupt lobby that has ever been organized in the history of our country. But Abraham Lincoln once said he "had an abiding faith that the American people will ultimately wobble around right," and I can not believe that there are enough gullible officials or dishonest people in the country to prevent the passage of this bill. If there are any defects in this bill, they can be cured in the Senate, or in conference, or by amendment. It is the greatest constructive measure for the welfare of those States that has ever come before the American Congress in the history of our Government, and I can not believe that future generations will be compelled to look back to this generation and say that we sold them out and were traitors to their welfare.

I know no lobby can buy or bluff or fool this House. This bill will pass this body by nearly a hundred majority, and I know that sooner or later it will become a law, and that the untold millions of people in all those States will forever thank us for our courage and our honesty. [Applause.]

The CHAIRMAN. The time of the gentleman from Colorado has expired. All time has expired, and the Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That for the purpose of controlling the floods, improving navigation, and regulating the flow of the lower Colorado River, providing for storage and delivery of the waters thereof for reclamation of public lands and other beneficial uses within the United States, and for the generation of electrical energy as a means of making the project herein authorized a self-supporting and financially solvent undertaking, the Secretary of the Interior, subject to the terms of the Colorado River compact hereinafter mentioned, is hereby authorized to construct, operate, and maintain a dam and incidental works in the main stream of the Colorado River at Black Canyon or Boulder Canyon adequate to create a storage reservoir of a capacity of not less than 20,000,000 acre-feet of water and a main canal and appurtenant structures located entirely within the United States connecting the Laguna Dam with the Imperial and Coachella Valleys in California: *Provided,* That all contracts for the delivery of water for irrigation purposes provided for in section 5 shall provide that all irrigable land held in private ownership by any one owner in excess of 160 acres shall be appraised in a manner to be prescribed by the Secretary of the Interior and the sale prices thereof fixed by the said Secretary on the basis of its actual bona fide value at the date of appraisal without reference to the proposed construction of the irrigation works provided for by this act; and that no such excess lands so held shall receive water from said canal if the owners thereof shall refuse to execute valid recordable contracts for the sale of such lands under terms and conditions satisfactory to the Secretary of the Interior and at prices not to exceed those fixed by the Secretary of the Interior; also to construct and equip, operate, and maintain at or near said dam, and within a State which has approved the Colorado River compact hereinafter mentioned, a complete plant and incidental structures suitable for the fullest economic development of electrical energy from the water discharged from said reservoir; and to acquire by proceedings in eminent domain, or otherwise, all lands, rights of way, and other property necessary for said purposes.

Mr. JOHNSON of Washington. Mr. Chairman, I offer an amendment.

The CHAIRMAN. There is a committee amendment. The committee amendment will be considered first. The Clerk will report the committee amendment.

The Clerk read as follows:

Page 1, line 3, after the word "floods," insert "improving navigation."

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

Mr. WHITE of Colorado. Mr. Chairman, I move to strike out the last word.

Mr. JOHNSON of Washington. Mr. Chairman, I think I rose first.

The CHAIRMAN. Does the gentleman from Colorado want to discuss the committee amendment?

Mr. WHITE of Colorado. No; I do not care to.

Mr. DOUGLAS of Arizona. Mr. Chairman, I want to discuss the committee amendment.

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

Mr. DOUGLAS of Arizona. Mr. Chairman and members of the committee, it is interesting to note that during the five or six years, as is claimed by the members of the committee, that this bill has been before the Committee on Irrigation and Reclamation mention has never been made of navigation. It is interesting to note that in all the reports upon which this bill is predicated it has never been stated that one of the purposes of this project was to improve navigation.

I think the members of the committee should know what the Director of the Reclamation Service, under whose auspices this project will be constructed, if it is constructed, says with reference to navigation. Here is a report by Dr. Elwood Mead, Director of Reclamation:

The present Commissioner of the Bureau of Reclamation, Elwood Mead, and W. W. Schlecht and C. E. Grunsky, constituting the All-American Canal Board, report on pages 13 and 14 of their report on the all-American canal of 1920 to the effect that there are great difficulties on the Colorado in connection with navigation; that the construction of the Laguna Dam in 1904 has interposed a barrier to navigation 12 miles above Yuma; that the construction of that dam "is an indication that the United States regards the navigability of the Colorado River as of no importance."

Here is the second statement:

The utilization of the river's waters for irrigation far outweighs any possible utilization thereof for navigation.

Maj. R. R. Raymond, of the Corps of Engineers of the United States Army, reported in House Document No. 1141 of the Sixty-third Congress, second session, as to the navigability of the Colorado.

The report of the Commissioner of Reclamation on the all-American canal contains the following with reference to Major Raymond's report:

He visited the river, however, and says:

"Below Yuma the river flows through a delta country, which is constantly being built up by the large quantity of silt carried by the river. The channel is unstable and can not be made stable at reasonable cost. At present the principal channel in Mexico passes through Volcano Lake. In addition to the fact that this part of the river lies in a foreign country, it should be noted that there is so little water available in the river below the heading of the Imperial Canal during low stages that navigation throughout the year is impracticable. The amount of water extracted from the river for irrigation will increase rather than decrease."

After referring to the fact that the growth of commerce along the river would imply an increase of the demand for irrigation water, Major Raymond concludes that—

"The improvement of the Colorado River for navigation would defeat its own ends and would be a detriment to the adjacent country, except possibly that flood control would be beneficial."

He finds the situation such that he does not even recommend a survey of the river, and says:

"Attention is invited to the conclusion reached by officers who have examined this river heretofore, which agree with my own. The development of the country by irrigation in recent years makes the improvement even less desirable to-day than it was formerly."

Surely the above should be conclusive as to the navigability of the Colorado River.

There is a long series of reports upon the navigability of the Colorado River and upon the justification of spending money to improve navigation.

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

Mr. DOUGLAS of Arizona. Just as soon as I finish this statement, this sentence: None of these reports has ever recom-

mended that the Congress appropriate one cent of money to improve the navigation on the Colorado River. Mr. Arthur P. Davis, one of the consulting engineers of the Los Angeles Bureau of Power and Light, stated on January 26 that the Colorado River was not navigable, and Mr. Arthur P. Davis is one of the proponents of this bill, being employed by the great agency that wants the bill.

Mr. W. B. Mathews, the counsel of the city of Los Angeles, on page 858 of the hearings on Senate Resolution 320, testified very emphatically that the Colorado River is not navigable, and he quotes many legal decisions with reference to what a navigable stream is, and he concludes:

To be navigable in fact a watercourse must have a useful capacity as a public highway of transportation. The Colorado River does not meet this test. It may have done so in part in very early days, but for more than a third of a century it has been practically devoid of profitable utility as a commercial highway. This is certainly true of the river in and above Black Canyon.

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

Mr. DOUGLAS of Arizona. Mr. Chairman, I ask for five additional minutes.

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

Mr. SWING. I do so very reluctantly, but I must object. A gentleman has informed me that he has 17 amendments.

Mr. DOUGLAS of Arizona. I assure the gentleman I have but six basic ones.

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

There was no objection.

Mr. DOUGLAS of Arizona. I assure the gentleman from California that I have no intention whatsoever of offering any dilatory amendments.

Mr. Mathews says:

It may be said to be a matter of common knowledge that the Colorado River, particularly in and above Black Canyon, is devoid of practical usefulness to the public as a highway in its natural state. In fact, measured by the standard of commercial and profitable utility, the entire stream above Yuma has long since ceased to be a navigable watercourse.

I refer the members of this committee to the photographs which the Members have doubtless received of the Colorado River below the international boundary line, dry, without a drop of water in it.

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

Mr. DOUGLAS of Arizona. I certainly will, for a question.

Mr. CRAIL. Will the gentleman from Arizona say if the water is dammed there will not be a constant stream of water in that river?

Mr. DOUGLAS of Arizona. I will be delighted to answer that question. Irrigation and navigation are absolutely incompatible. One defeats the other. You can not leave water in a stream and still take the water out of the stream.

Mr. WINTER. Mr. Chairman, will the gentleman yield there?

Mr. DOUGLAS of Arizona. Yes.

Mr. WINTER. Does not the gentleman absolutely ignore the theory that practically 60 or 70 per cent of the water used for irrigation will be returned to the bed of the stream?

Mr. DOUGLAS of Arizona. The gentleman does not, because it is claimed that the great body of this water is to be used in the Imperial Valley, and the drainage from it is into Salton Sea and not into the Colorado River.

Mr. WINTER. Sixty per cent of this water would come down the river.

Mr. DOUGLAS of Arizona. No. I do not concede that 60 or 70 per cent will constitute the return flow.

Let me go on further, if I may. In the terms of the bill itself in the first section, there is the phrase, "Improving navigation." In the Colorado River pact, which is made an integral part of this bill by section 12, there is this statement:

Inasmuch as the Colorado River has ceased to be navigable for commerce, the use of the water for navigation shall be subservient to all other purposes.

Now, members of the committee, I submit that a bill can not be passed for the purpose of improving navigation and still contain a provision in it which destroys that purpose.

Mr. MONTAGUE. Will the gentleman yield?

Mr. DOUGLAS of Arizona. I yield to the gentleman.

Mr. MONTAGUE. Did the original bill introduced by Mr. SWING contemplate the improvement of navigation?

Mr. DOUGLAS of Arizona. There has never been a provision in the bill for the purpose of improving navigation until three weeks after the hearings on the bill closed in January of 1928.

Mr. MONTAGUE. That is carried in the amendment now in the bill.

Mr. DOUGLAS of Arizona. Yes.

Mr. MONTAGUE. It did not contemplate navigation at first, then?

Mr. DOUGLAS of Arizona. It did not.

Mr. MONTAGUE. But contemplated it later by an amendment?

Mr. DOUGLAS of Arizona. Yes. Members of the committee, there is but one conclusion the members of the committee can draw and that is that the phrase improving navigation is introduced solely for the purpose of creating a fictitious constitutional authority.

The CHAIRMAN. The time of the gentleman from Arizona has again expired.

Mr. SWING. Mr. Chairman, I rise in favor of the amendment. The gentleman from Arizona is inaccurate in saying that no previous bill carried a provision for the improvement of navigation. The first bill I introduced carried a provision for the improvement of navigation.

Mr. DOUGLAS of Arizona. I beg the gentleman's pardon. Will the gentleman state when?

Mr. SWING. The first bill I introduced when I came to Congress in 1921 carried a provision for the improvement of navigation.

Mr. DOUGLAS of Arizona. But there has not been one since.

Mr. SWING. And practically every witness that appeared before the committee discussed the navigability of this river. It is not against the navigability of a river that it can not be completely navigated from one end to the other and it is not against the power of Congress to provide aid in securing navigation on a river that at the moment the river is not navigable. If rivers were navigable by nature, then there would be little or no occasion to aid in the improvement of them. It is because there are obstructions in a river that Congress is called upon year after year to vote money to aid in making rivers navigable.

In this case the history is that valuable commerce went up and down this river in the early days from the Gulf of California to Coveville for many, many years, and every man in the House who has had occasion to visit the dam site at Boulder and Black Canyons has himself navigated the stream for some 20 miles upon motor boats that are to-day making commercial trips up and down that river, and if this dam is built it will provide navigable waters for 100 miles above the dam, and if the stream is equated in the way the gentleman from Arizona has said it is to be equated by at least a 10,000 second-foot flow below it will be navigable between Boulder Dam and the Laguna Dam, near Yuma, a distance of over 200 miles.

Mr. COOPER of Wisconsin. Will the gentleman permit a question?

Mr. SWING. Yes.

Mr. COOPER of Wisconsin. On this question of navigation I want to ask this: As I understand it, the treaty of Guadaloupe-Hidalgo specifically mentions this as an international boundary stream and declares it to be navigable. That is true, is it not?

Mr. SWING. I think that is so.

Mr. COOPER of Wisconsin. That being so, could the Congress of the United States properly legislate concerning a great navigable stream, declared to be navigable by treaty, without mentioning navigation?

Mr. SWING. I think there is great merit in the point the gentleman makes.

I want to add this one sentence and then I am through. The gentleman from Arizona has announced that there are no amendments which can be made to this bill which will make it acceptable to him. He has stated, furthermore, that as soon as this bill becomes a law his State intends to file a suit in the Supreme Court for the purpose of trying to have it declared unconstitutional. Now, the reason why he wants this reference to the improvement of navigation stricken out of the bill is that when the United States Government is called into court by the State of Arizona it will thereby be deprived of a proper and logical defense to the action brought by that State.

Mr. DOUGLAS of Arizona. Will the gentleman yield?

Mr. SWING. Yes.

Mr. DOUGLAS of Arizona. The gentleman's statement is absolutely correct, and I am opposed to this amendment because it is a dishonest one.

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

Mr. OLIVER of Alabama. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for one additional minute.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. OLIVER of Alabama. Reference has been made by the gentleman from Arizona to the fact that there is a clause in the compact declaring that navigation shall be subservient to other purposes. When you declare that navigation is subservient you thereby declare that there is navigation.

Mr. SWING. Certainly.

Mr. OLIVER of Alabama. And Congress is exercising its right by saying that if there should be some parties at some places on the river who are seeking to exercise the right of navigation to the detriment of flood control or irrigation that it suspends that superior right?

Mr. SWING. Exactly. The language of the compact is that—

* * * the use of its waters for the purpose of navigation shall be subservient to uses of such waters for domestic, agriculture, and power purposes.

The CHAIRMAN. The time of the gentleman from California has again expired. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. JOHNSON of Washington. Mr. Chairman, I offer an amendment.

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

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Washington: Page 2, line 12, after the colon, insert the following: "*Provided*, That the laws of any State in which any part of the construction work herein authorized is performed, in respect of the employment of laborers and mechanics on State, county, or municipal works, shall apply to the employment of laborers and mechanics upon any part of the construction work herein authorized."

Mr. JOHNSON of Washington. Mr. Chairman, after giving this bill as much consideration as time would permit I have decided I want to support the bill, but I desire to see it perfected in some details. The amendment which I have offered is to make the bill, if this project is considered Federal, conform with the constitutions of California and Arizona with regard to the employment of labor.

The amendment reads:

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

This is in the State constitutions of some States. State laws of California, Arizona, and 25 other States have laws against employment of alien labor on State works. Such a provision should be in this bill; otherwise, my friends, we might have the spectacle of the United States of America building in the great Southwest with Mexican peon labor a structure as great as the greatest pyramid. That must not be. [Applause.] I hope the amendment will be adopted.

Mr. NEWTON. Will the gentleman yield there?

Mr. JOHNSON of Washington. Yes.

Mr. NEWTON. As I understand it, this amendment places all public improvements by the States or the Federal Government on the same basis in respect of giving preference to American labor.

Mr. JOHNSON of Washington. Yes; exactly so. It is right and proper, and in my opinion it will save a world of trouble when the time comes to make contracts for construction.

Under leave to extend my remarks, I add the constitutional provisions of California and Arizona, and the laws of Nevada, California, and Arizona in regard to employment of alien labor on State works.

NEVADA

Revised Laws, 1919. Employment of labor on public works, aliens; section 1 (as amended 1921, ch. 129); who may be employed: Only citizens or wards of the United States or persons who have been honorably discharged from the military service of the United States shall be employed by any officer of the State of Nevada, or by any contractor with the State of Nevada, or by any political subdivision of the State, or by any person acting under or for such offices or contractor, in the construction of public works, or in any office or department of the State of Nevada, or political subdivision of the State, or department of the State of Nevada, or political subdivision of the State, and in all cases where persons are so employed, preference shall be given to honorably discharged soldiers, sailors, and marines of the United States and to citizens of Nevada: *Provided*, Nothing in this act shall be construed to prevent the working of prisoners by the State of Nevada, or by any political subdivision of the State, on street or road work or other public work; nor to prevent the working of aliens who have not forfeited their right to citizenship by claiming exemption from military service, as common laborers in the construction of public roads, when it can be shown that citizens or wards of the United States or persons who have been honorably discharged from the military service of the United States are not available for such employment; nor to prevent the exchange of instructors between the University of Nevada and similar institutions of the North and South American countries: *And provided further*, That any alien so employed shall be replaced by any citizen, ward, or ex-service man of the United States applying for employment. (All contracts void if above not complied with. Penalty for violation, $100 to $500 and/or imprisonment for not more than six months, or both.)

ARIZONA

Constitution, article 18, section 10. Employment of aliens on public works: No person not a citizen or ward of the United States, or who has declared his intention to become a citizen, shall be employed upon, or in connection with, any State, county, or municipal works or employment: *Provided*, That nothing herein shall be construed to prevent the working of prisoners by the State, or by any municipality thereof, on street or road work, or other public work. The legislature shall enact laws for the enforcement, and shall provide for the punishment of any violation of this section.

Revised Statutes, 1913, paragraph 3105; aliens not to be employed: No person not a citizen or ward of the United States, or who has not declared his intention to become a citizen shall be employed upon, or in connection with any State, county, or municipal works, or employment: *Provided*, That nothing herein shall be construed to prevent the working of prisoners by the State, or by any county or municipality thereof, on street, or road work, or other public work. (Violations—fine not less than $100 nor more than $300 for each offense.)

V. CALIFORNIA

Constitution, article 19—Chinese labor—employment—immigration.—Section 3. Employment on public works.—No Chinese shall be employed on any State, county, municipal, or other public works, except in punishment for crime. Section 4 (legislature to discourage coolie immigration "by all means within its power," etc.).

Revised Statutes: Chapter 417—employment of aliens in public service. Section 1 (as amended 1921, ch. 366). Restrictions.—No person except a native-born or naturalized citizen of the United States shall be employed in any department of State, county, city and county, or city government in this State: *Provided, however*, That the prohibitions of this act shall not apply (a) to the employment as a member of the faculty or teaching force in public schools of this State nor in schools supported in whole or in part by the State of any person who has declared his intention to become a citizen of the United States, nor of any native-born woman of the United States who has married a foreigner; (b) to any member of the faculty or teaching force of any college or university supported in whole or in part by the State; (c) to any specialist or expert temporarily employed by any department of the State or any county, city and county, or city, and engaged in special investigation; (d) in an emergency when it is necessary to protect life, health, or property against fire, flood, or other calamity arising from natural causes.

Sec. 3 (payment of wages, etc., not to be paid out of State, county, or municipal treasury unless and except such persons native born or naturalized, with above exceptions).

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington [Mr. JOHNSON].

The amendment was agreed to.

Mr. DOUGLAS of Arizona. Mr. Chairman, I offer an amendment.

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

The Clerk read as follows:

Amendment offered by Mr. DOUGLAS of Arizona: Strike out everything after the enacting clause and insert in lieu thereof the following:

"That the President of the United States is hereby authorized to appoint a board of five engineers of unquestionable national reputation, which shall examine into and investigate the Colorado River for the purpose of making recommendations to the President as to the most feasible method and cost of obtaining flood control, as to the best systematic general program of development: *Provided, however*, That not more than one engineer appointed to such board shall have been in the past or shall be now in the employ of or retained by the Bureau of Reclamation, or shall be resident of any of the States of the Colorado River Basin.

"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 of engineers.

"SEC. 3. That for the purposes of erecting such flood-control structures on the Colorado River"——

Mr. LAGUARDIA. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LAGUARDIA. Has not the amendment been read at sufficient length to make a point of order against it?

The CHAIRMAN. The Chair does not think so. The Clerk will continue reading the amendment. It is not obviously subject to a point of order in the opinion of the Chair.

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, 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 resolved that the bill (S. 2972) entitled "An act for the protection of fish in the District of Columbia, and for other purposes," be returned herewith to the House of Representatives in compliance with its request.

The message also announced that the President of the United States having returned to the Senate, in which it originated, the bill (S. 777) entitled "An act making eligible for retirement, under certain conditions, officers, and former officers of the Army, Navy, and Marine Corps of the United States, other than officers of the Regular Army, Navy, or Marine Corps, who incurred physical disability in line of duty while in the service of the United States during the World War," with his objections thereto, the Senate proceeded, in pursuance of the Constitution, to reconsider the same; and

Resolved, That the bill do pass, two-thirds of the Senate agreeing to pass the same.

The message further announced that the President of the United States having returned to the Senate, in which it originated, the bill (S. 3674) entitled "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," with his objections thereto, the Senate proceeded, in pursuance of the Constitution, to reconsider the same; and

Resolved, That the bill do pass, two-thirds of the Senate agreeing to pass the same.

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. 1794. An act establishing additional land offices in the States of Montana, Oregon, South Dakota, Idaho, New Mexico, Colorado, and Nevada.

DISABLED EMERGENCY OFFICERS

The SPEAKER. The Chair lays before the House a resolution of the Senate accompanying a veto message from the President, which the Clerk will report.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES,
May 3 (calendar day of May 24), 1928.

The President of the United States having returned to the Senate in which it originated the bill (S. 777) entitled "An act making eligible for retirement under certain conditions officers and former officers of the Army, Navy, and Marine Corps of the United States other than officers of the Regular Army, Navy, or Marine Corps, who incurred physical disability in line of duty while in the service of the United States during the World War," with his objections thereto, the Senate proceeded in pursuance of the Constitution to reconsider the same and resolved that the bill do pass, two-thirds of the Senate agreeing to pass the same.

The Clerk read the message of the President.

(For President's message see proceedings of the Senate.)

The SPEAKER. The objections of the President will be entered at large upon the Journal and the bill and the message printed as a public document. The question is, Shall the House on reconsideration, agree to pass the bill, the objections of the President to the contrary notwithstanding?

Mr. JOHNSON of South Dakota. Mr. Speaker, this measure was so thoroughly debated for two days on the floor of this House that little could be said that has not been said. It is very clear to me, however, from this debate and from the President's message that this measure manifestly has provisions that are inequitable. It is clear to me that an unknown but substantial number of men who are to-day drawing no disability compensation, but have heretofore secured a permanent rating of 30 per cent under some previous administration of the Veterans' Bureau, will immediately be brought under its provisions.

I have always felt that a fair and just bill could be drawn and submitted such a measure as a substitute, and until that sort of measure is presented to the House I have the profound conviction that this measure should not become the law and that the President's veto should be sustained.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is, Will the House on reconsideration agree to pass the bill, the objections of the President to the contrary notwithstanding?

The question was taken; and there were—yeas 245, nays 101, answered "present" 2, not voting 82, as follows:

[Roll No. 86]

YEAS—245

Abernethy	Driver	Kincheloe	Ransley
Adkins	Dyer	Kindred	Rathbone
Allen	Edwards	King	Rayburn
Andresen	Englebright	Kopp	Reed, Ark.
Arentz	Eslick	Korell	Reed, N. Y.
Arnold	Estep	Kvale	Robinson, Iowa
Aswell	Evans, Calif.	LaGuardia	Rogers
Auf der Heide	Evans, Mont.	Lampert	Rowbottom
Ayres	Fenn	Langley	Rubey
Barbour	Fish	Lankford	Rutherford
Beers	Fitzgerald, Roy G.	Larsen	Sanders, Tex.
Black, N. Y.	Fitzpatrick	Leatherwood	Sandlin
Bland	Fletcher	Leavitt	Schafer
Boylan	Frear	Leech	Schneider
Brand, Ga.	Fulbright	Letts	Sears, Nebr.
Brand, Ohio	Fulmer	Lindsay	Seger
Browne	Furlow	Linthicum	Selvig
Browning	Gambrill	Lozier	Shreve
Buchanan	Garber	McClintic	Sinclair
Buckbee	Gardner, Ind.	McKeown	Sirovich
Burdick	Garrett, Tex.	McLeod	Smith
Bushong	Gasque	McMillan	Somers, N. Y.
Byrns	Gilbert	McReynolds	Sproul, Ill.
Campbell	Goldsborough	McSweeney	Steagall
Canfield	Goodwin	MacGregor	Stedman
Cannon	Gregory	Maas	Steele
Carew	Green	Major, Ill.	Stevenson
Carss	Greenwood	Major, Mo.	Stobbs
Carter	Griest	Mansfield	Strong, Pa.
Cartwright	Guyer	Martin, La.	Summers, Wash.
Casey	Hadley	Martin, Mass.	Sumners, Tex.
Celler	Hall, Ill.	Mead	Swank
Chalmers	Hall, Ind.	Menges	Swick
Chapman	Hall, N. Dak.	Miller	Swing
Clague	Hancock	Montague	Tarver
Cochran, Mo.	Hardy	Mooney	Tatgenhorst
Cochran, Pa.	Hastings	Moore, Ky.	Taylor, Colo.
Cohen	Hawley	Moore, N. J.	Taylor, Tenn.
Cole, Md.	Hersey	Moore, Va.	Thatcher
Collier	Hickey	Moorman	Thompson
Colton	Hill, Wash.	Morehead	Timberlake
Combs	Hoch	Morgan	Vestal
Cooper, Wis.	Hoffman	Morin	Vinson, Ky.
Crail	Hogg	Morrow	Ware
Crosser	Holaday	Murphy	Warren
Cullen	Hope	Nelson, Mo.	Weaver
Curry	Houston, Del.	Niedringhaus	Welch, Calif.
Dallinger	Howard, Nebr.	O'Brien	Weller
Darrow	Howard, Okla.	O'Connell	Welsh, Pa.
Davey	Hull, Wm. E.	O'Connor, La.	White, Colo.
Denison	Igoe	O'Connor, N. Y.	Williams, Ill.
De Rouen	Irwin	Oliver, N. Y.	Williams, Mo.
Dickinson, Iowa	Johnson, Ill.	Palmer	Williams, Tex.
Dickinson, Mo.	Johnson, Ind.	Palmisano	Wilson, La.
Dominick	Johnson, Tex.	Parks	Winter
Doughton	Johnson, Wash.	Porter	Wolverton
Douglas, Ariz.	Kading	Pou	Wright
Douglass, Mass.	Kahn	Prall	Wyant
Doutrich	Kelly	Quayle	Yates
Dowell	Kemp	Quin	
Doyle	Kent	Ragon	
Drewry	Kiess	Rainey	

NAYS—101

Aldrich	Dempsey	Lanham	Simmons
Allgood	Elliott	Lea	Sinnott
Almon	Faust	Lehlbach	Snell
Andrew	Fort	Lowrey	Speaks
Bacharach	Foss	Luce	Sproul, Kans.
Bacon	Freeman	McDuffie	Stalker
Beck, Pa.	French	McFadden	Taber
Black, Tex.	Frothingham	McLaughlin	Thurston
Bohn	Garner, Tex.	Mapes	Tilson
Bowles	Gibson	Merritt	Tinkham
Box	Glynn	Michener	Treadway
Briggs	Graham	Milligan	Tucker
Brigham	Hill, Ala.	Monast	Underhill
Burtness	Hooper	Moore, Ohio	Updike
Burton	Huddleston	Nelson, Me.	Vincent, Mich.
Chase	Hudson	Newton	Vinson, Ga.
Chindblom	Hull, Morton D.	Norton, Nebr.	Wainwright
Christopherson	Hull, Tenn.	Oliver, Ala.	Wason
Cole, Iowa	Jacobstein	Parker	Watres
Collins	James	Peery	Watson
Cooper, Ohio	Jenkins	Perkins	White, Me.
Cramton	Johnson, S. Dak.	Pratt	Whittington
Crisp	Jones	Rankin	Wood
Crowther	Kearns	Romjue	
Davenport	Ketcham	Sanders, N. Y.	
Davis	Knutson	Shallenberger	

ANSWERED "PRESENT"—2

Jeffers	McSwain

NOT VOTING—82

Ackerman	Beck, Wis.	Berger	Bowling
Anthony	Beedy	Blanton	Bowman
Bachmann	Begg	Bloom	Britten
Bankhead	Bell	Boies	Bulwinkle

Busby	Free	Lyon	Strother
Butler	Garrett, Tenn.	Magrady	Sullivan
Carley	Gifford	Manlove	Temple
Clancy	Golder	Michaelson	Tillman
Clarke	Griffin	Nelson, Wis.	Underwood
Connally, Tex.	Hale	Norton, N. J.	White, Kans.
Connery	Hammer	Oldfield	Whitehead
Connolly, Pa.	Hare	Peavey	Williamson
Corning	Harrison	Purnell	Wilson, Miss.
Cox	Haugen	Ramseyer	Wingo
Deal	Hudspeth	Reece	Woodruff
Dickstein	Hughes	Reid, Ill.	Woodrum
Drane	Johnson, Okla.	Robsion, Ky.	Wurzbach
Eaton	Kendall	Sabath	Yon
England	Kerr	Sears, Fla.	Zihlman
Fisher	Kunz	Spearing	
Fitzgerald, W. T.	Kurtz	Strong, Kans.	

So (two-thirds having voted in favor thereof) the bill was passed, the objections of the President to the contrary notwithstanding.

The following pairs were announced:

On this vote:

Mr. Golder and Mr. Connally of Texas (for) with Mr. Garrett of Tennessee (against).

Mr. McSwain and Mr. Deal (for) with Mr. Bankhead (against).

General pairs:

Mr. Ackerman with Mr. Jeffers.
Mr. Begg with Mr. Connery.
Mr. Reid of Illinois with Mr. Oldfield.
Mr. Butler with Mr. Hudspeth.
Mr. Eaton with Mr. Corning.
Mr. Free with Mr. Bulwinkle.
Mr. Manlove with Mr. Sears of Florida.
Mr. Wurzbach with Mr. Wingo.
Mr. Temple with Mr. Woodrum.
Mr. Ramseyer with Mr. Bell.
Mr. Purnell with Mr. Carley.
Mr. Bachmann with Mr. Drane.
Mr. Clancy with Mr. Hare.
Mr. Beedy with Mr. Kerr.
Mr. Zihlman with Mr. Underwood.
Mr. W. T. Fitzgerald with Mr. Sullivan.
Mr. Gifford with Mr. Blanton.
Mr. Michaelson with Mr. Cox.
Mr. Robsion of Kentucky with Mr. Spearing.
Mr. Peavey with Mr. Yon.
Mr. Reece with Mr. Hammer.
Mr. Britten with Mr. Griffin.
Mr. Boise with Mr. Whitehead.
Mr. Strother with Mr. Fisher.
Mr. Connolly of Pennsylvania with Mrs. Norton of New Jersey.
Mr. Anthony with Mr. Busby.
Mr. Williamson with Mr. Tillman.
Mr. Clark with Mr. Kunz.
Mr. Hughes with Mr. Dickstein.
Mr. Kurtz with Mr. Lyon.
Mr. Hale with Mr. Sabath.
Mr. Magrady with Mr. Bloom.
Mr. Nelson of Wisconsin with Mr. Wilson of Mississippi.
Mr. Kendall with Mr. Harrison.
Mr. Bowman with Mr. Johnson of Oklahoma.
Mr. Beck of Wisconsin with Mr. Bowling.
Mr. White of Kansas with Mr. Berger.

Mr. McSWAIN. Mr. Speaker, I find that I am paired with the gentleman from Alabama, and I withdraw my vote of "aye."

Mr. O'CONNELL. Mr. Speaker, the lady from New Jersey, Mrs. NORTON, is absent on account of illness. If present, she would have voted "aye."

Mr. CULLEN. Mr. Speaker, my colleague, Mr. CARLEY, of New York, is necessarily absent. If here, he would vote "aye."

Mr. DOUGLASS of Massachusetts. Mr. Speaker, my colleague, Mr. CONNERY, is absent on account of illness in his family. If present, he would vote "aye."

Mr. BERGER. Mr. Speaker, I was not present, but I want to vote "no."

The SPEAKER. The gentleman does not qualify.

Mr. JOHNSON of Texas. Mr. Speaker, my colleague, Mr. HUDSPETH, is absent on account of illness. If present, he would vote "aye."

Mr. SCHNEIDER. Mr. Speaker, my colleague, Mr. PEAVEY, is absent on account of illness. If present, he would have voted "aye."

Mr. BRITTEN. Mr. Speaker, I was not present during the roll call, but if here I would have voted "aye."

The result of the vote was announced as above recorded.

ADJOURNMENT SINE DIE

Mr. TILSON. Mr. Speaker, I offer the following resolution and ask its immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House Concurrent Resolution 41

[70th Cong., 1st sess.]

CONGRESS OF THE UNITED STATES,
IN THE HOUSE OF REPRESENTATIVES.

Resolved, That the President of the Senate and the Speaker of the House of Representatives be authorized to close the first session of the Seventieth Congress by adjourning their respective Houses on the 29th day of May, 1928, at 5 o'clock p. m.

The SPEAKER. Is there objection?

There was no objection.

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

The question was taken; and on a division (demanded by several Members) there were 306 ayes and 57 noes.

Mr. SCHAFER and others demanded the yeas and nays.

The SPEAKER. The yeas and nays are demanded. All those in favor of taking the question by the yeas and nays will rise. [After counting.] Twenty-seven Members have risen, not a sufficient number, and the yeas and nays are refused.

So the resolution was agreed to.

Mr. COOPER of Wisconsin. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COOPER of Wisconsin. The hour for final adjournment having been adopted, there will be no rules governing this body for the remainder of the session—the rules are suspended from now on?

The SPEAKER. After the resolution is agreed to by the Senate the Speaker can recognize Members to suspend the rules.

BOULDER DAM

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 further consideration of the bill (H. R. 5773) for the construction of works on the Colorado River Basin, and so forth.

The motion was agreed to.

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

The CHAIRMAN. The Clerk will complete the reading of the amendment offered by the gentleman from Arizona.

The Clerk read as follows:

SEC. 3. That for the purposes of erecting such flood-control structures on the Colorado River and of defraying salaries and expenses of said board of engineers 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 $15,300,000, or as much thereof as may be necessary.

SEC. 4. That construction of said structures, if they be 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 or Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming, and shall have been approved by the Congress of the United States; or until all of said States and the Congress shall have agreed by compact that no title to waters in excess of present perfected rights which may be stored by such flood-control dam shall be acquired.

SEC. 5. The Colorado River compact signed at Santa Fe, N. Mex., November 24, 1922, pursuant to act of Congress approved August 19, 1921, entitled "An act to permit a compact or agreement between the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming respecting the disposition and apportionment of the waters of the Colorado River, and for other purposes," is hereby approved by the Congress, such approval to become effective when said compact shall have been approved and ratified by the respective legislatures of the said seven States.

SEC. 6. That the Republic of Mexico is hereby placed on notice that waters stored by any dam which may be constructed under this act are for use solely within the United States.

Mr. LAGUARDIA. Mr. Chairman, I make the point of order that the amendment is not germane.

Mr. SWING. Mr. Speaker, I want to add to arguments to the point of order, that it substitutes a complete new plan for the bill now pending before the House. The amendment provides that the Secretary of War shall take certain action with reference to this river problem while the bill provides for the Secretary of the Interior having control.

The amendment takes the location away from the Boulder Dam site fixed in the bill and leaves the location to be hereafter determined at some other place. It changes the type and character of structures to be built different from the provisions of the bill, which are for a dam power plant and canal. Under the amendment only flood-control works can be built which might be a dam or levees. In other words, the bill contains authorizations for the construction of definitely described works, while this amendment provides for the substitution of a plan which is unknown and which is to be hereafter ascertained, and therefore it must be some other kind of structures or else the change would not have been proposed and there would be no point to offering the amendment.

In addition to that the bill pending before the House according to its title is to provide for the construction of works for the protection and development of the lower Colorado River

Basin while the amendment that is offered provides for the appointment of a commission to investigate and report.

Under decisions that have been rendered in the consideration of a tariff bill, it has been held that on a bill levying specific tariff duties it is not in order to offer an amendment to authorize the appointment of a commission to investigate and report what the rates ought to be. In addition to that, this amendment contains another new and unrelated provision involving international relations with Mexico, a matter which is foreign to the bill now pending before the committee.

Mr. LAGUARDIA. And, Mr. Chairman, may I add to the statement made by the gentleman from California [Mr. SWING], that the purpose of the amendment is to hold all operations in abeyance pending the ratification of a certain compact.

Mr. DOUGLAS of Arizona. Mr. Chairman, it is my understanding—and I think it has been stated very clearly by the distinguished minority leader, the gentleman from Tennessee [Mr. GARRETT]—that an amendment is germane when the fundamental purpose of the amendment is consistent with the fundamental purpose of the bill which it proposes to amend. The bill to which my amendment is offered provides for flood control. It does not designate the site, as the gentleman from California [Mr. SWING] has stated, and I refer the Chair to page 2 of the bill, where it is provided that a dam shall be constructed at Black Canyon or Boulder Canyon, or over a length of approximately 30 miles, on the Colorado River. The bill authorizes the Secretary of the Interior to construct certain works. The bill provides for the ratification of the Colorado River compact by the Congress, which ratification is to become effective when six of the seven States party to the compact shall have approved it. The bill provides for an additional investigation, and I refer the Chair to section 14. It has been contended, with reference to the international question by the gentleman from California [Mr. SWING], that the bill implicitly provides that all of the stored waters must be used in the United States. If that be true, then the gentleman from California can not object to a more explicit statement of limitations to be placed upon Mexico. Those, Mr. Chairman, are the fundamental purposes of H. R. 5773.

What are the fundamental purposes of my proposed amendment? It provides for an investigation which is provided for in section 14 of the bill. It provides that as a result of that investigation there shall be determined a site or sites at which flood-control structures are to be erected on the Colorado River.

The only difference with reference to the specific location of sites at which structures are to be erected as between my proposed amendment and the bill which it seeks to amend is a difference of degree. The amendment which I have offered does not provide a specific site, nor does it limit the length of the river upon which it may be located to 30 miles. The bill which my amendment seeks to amend is greatly more specific as to where the structures are to be erected, but it does not designate the site at which the structures are to be erected, for the reason that it is stated in section 1 on page 2 that the dam shall be built at Black Canyon or Boulder Canyon. The distance between the two points is over 30 miles, so that the only difference between the amendment which I have offered and the bill which is to be amended with reference to the definite designation of the site is one of degree. The amendment authorizes the Secretary of War to construct flood-control structures. It does not provide that the Secretary shall construct a dam. The bill which is sought to be amended is different in that respect, in that it does specifically authorize construction of a dam and does not leave to the discretion of the Secretary of the Interior the construction of levees in lieu of the dam. The amendment provides for the appropriation of a certain sum of money to defray the expenses of constructing the flood-control structures and to defray the expenses of the Board of Engineers. The bill before the House provides for an appropriation for a flood-control structure, and it likewise provides for an appropriation for an investigation. The amendment provides for a ratification of the Colorado River compact. The bill which is before the House likewise provides for the ratification of the Colorado River compact.

There is one difference, however, which I must state in this connection, and that is that my amendment provides, in the event that the Colorado compact is not approved by the legislatures of seven States, for the ratification of another compact which shall provide that all the States shall waive title to any waters in excess of the present perfected title which may be stored by any dam which may be constructed. That is a difference between the amendment and the bill, but I submit to the Chair that it is not a difference of such magnitude as to make the amendment inconsistent with the fundamental purpose of the bill before the committee. The amendment contains a legislative notification to Mexico that any waters which may be stored by a dam constructed under the terms of the amendment shall be for exclusive, beneficial use within the United States. I submit that although there is not a specific provision similar to that in the bill which is to be amended, that provision in the amendment does not constitute a sufficiently great difference to rule the amendment not germane upon the ground that it is inconsistent with the fundamental purposes of the bill which it seeks to amend.

I submit that the amendment contains, with the exception of two minor things, nothing more than is contained in the bill which is to be amended, and, therefore, I submit to the Chair that the fundamental purpose of the amendment is consistent with the fundamental purpose of the bill which it would amend.

The CHAIRMAN. The Chair is prepared to rule. The amendment offered by the gentleman from Arizona [Mr. DOUGLAS] is in the nature of a substitute for the bill under consideration.

Now, the rule is that where an amendment by way of a substitute bill is offered, if the substitute effects the same general purposes that the bill under consideration seeks to effect and in the same general manner as the purposes are sought to be effected by the bill under consideration, it is germane, even if it be not germane section by section to the specific sections of the original bill.

However, an examination of the bill under consideration discloses that it provides not only for the control of floods, but it provides also for the distribution of the water so stored, both for domestic uses and for irrigation. It provides for the creation and distribution of electrical energy, while the amendment under consideration deals simply and solely with the control of floods. Consequently and obviously it is not germane to the bill under consideration, and the point of order is sustained.

Mr. SWING. Mr. Chairman, I offer a perfecting amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from California.

The Clerk read as follows:

Amendment offered by Mr. SWING: At the end of section 1 insert "*Provided further*, That the Secretary of the Interior is hereby authorized and directed to appoint a board of five eminent engineers and geologists, at least one of whom shall be an Engineer officer of the Army on the active or retired list, to examine the proposed site of the dam and review the plans and estimates made therefor before beginning construction, and to advise him from time to time as he may require as to matters affecting the safety, feasibility, and adequacy of the proposed structure and incidental works, the compensation of said board to be fixed by him for each, respectively, but not to exceed $50 per day and necessary traveling expenses, including per diem of not to exceed $6 in lieu of subsistence, for each member of the board so employed for the time employed and actually engaged upon such work."

Mr. DOUGLAS of Arizona. Mr. Chairman, I offer a substitute amendment.

Mr. SWING. Mr. Chairman, I ask for recognition. I am willing to let the gentleman from Arizona submit his amendment to the House. I ask unanimous consent that the gentleman's amendment be read for information, not out of my time.

The CHAIRMAN. Without objection, the Clerk will report the amendment offered by the gentleman from Arizona.

The Clerk read as follows:

Substitute amendment offered by Mr. DOUGLAS of Arizona to the amendment offered by Mr. SWING: Page 2, line 6, after the words "Colorado River," strike out "Black Canyon or Boulder Canyon" and insert in lieu thereof the following: "At a site or sites selected by the board of five independent engineers of unquestionable national reputation which the President of the United States is hereby authorized to appoint and which shall examine into and investigate the Colorado River for the purpose of making recommendations to the President as to the most feasible and most economic method of obtaining the objects desired."

Mr. SWING. Mr. Chairman, in my opinion there has been ample and sufficient engineering to authorize Congress to proceed upon this project, but in view of the fact that there has been some criticism by the opposition, and in view of the fact that this will be a structure in excess of any structure that has heretofore been built, and inasmuch as it involves the safety of human life and property, I am as anxious as any man on this floor can be to see that the structure is made safe and sound for the people who live below it and for the property it is designed to protect, and, secondly, to protect the United States' investment in the dam.

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

Mr. SWING. Not now. I have here nine volumes of engineering reports. Here are five volumes of typewritten hearings in which the matter has been gone into fully. Practically all

the engineers agree that either the Boulder or Black Canyon site is the place for the first dam to be built. The two sites are virtually the same because they would hold the water in the same reservoir.

Mr. DOUGLAS of Arizona. Mr. Chairman, will the gentleman yield there for a statement of fact?

Mr. SWING. I am referring to the statements of engineers before the Reclamation Committee made during the exhaustive hearings in 1924.

Mr. DOUGLAS of Arizona. I refer the gentleman to those statements.

Mr. SWING. This provision included in the amendment I have offered is simply an added precaution and safety. It is action that would be taken anyway by the Secretary of the Interior without the amendment. This amendment has been submitted to the Secretary of the Interior and has received his approval, and I ask its acceptance.

Mr. DOUGLAS of Arizona and Mr. LEATHERWOOD rose.

The CHAIRMAN. Does the gentleman from Utah yield to the gentleman from Arizona?

Mr. LEATHERWOOD. I yield to the gentleman from Arizona, but I want to be recognized afterwards.

Mr. DOUGLAS of Arizona. Mr. Chairman, I agree with the gentleman from California [Mr. SWING] that a real engineering investigation is an essential, prior to the injection of the Federal Government into the construction of a project the magnitude of which is scarcely appreciated by anyone.

I take issue with the gentleman from California, however, with reference to the method by which that investigation should be obtained. I point out to Members of this House that the Secretary of the Interior last year appointed four special advisers, three of whom had already committed themselves to the project before they were appointed as impartial advisers. One of them had been the governor of a State which for years had been advocating the passage of the act. Another, Mr. W. F. Durand, for 19 years had been in the employ of the Los Angeles Bureau of Power and Light. He also had committed himself definitely in favor of the project. The third was Governor Emerson, who represented a State which was in favor at that time of favorable action on this legislation.

I submit that if there is to be an honest and an adequate engineering investigation made of the proposed project it should be made not by engineers to be appointed by the Secretary of the Interior but, on the other hand, by engineers to be appointed by the President of the United States. I have confidence that the President of the United States will appoint engineers of sufficient independence of mind and of sufficient freedom from political influence to submit to him and to the Congress the truth about the project, but in view of past performances I can not say I have the same amount of confidence in the Secretary of the Interior.

Mr. LAGUARDIA. Does the gentleman believe that good consulting engineers are available at $50 a day?

Mr. DOUGLAS of Arizona. If the gentleman will read my amendment and section 14 of the bill, he will find that there are adequate funds appropriated in the bill for the investigation.

Mr. LAGUARDIA. I was referring to the other amendment.

Mr. DOUGLAS of Arizona. I also take issue with the gentleman from California when he says that the project has been adequately engineered, and I refer him to page 69, Volume V, of the Weymouth report, on which the bill is predicated, in which Mr. Weymouth himself says "The designs are of a preliminary nature and that should the dam be built a great many additional studies would be required."

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

Mr. DOUGLAS of Arizona. Mr. Chairman, I ask unanimous consent to proceed for one additional minute.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. DOUGLAS of Arizona. I also call the gentleman's attention to the statement made by Mr. Weymouth on page 33, I believe it is—if it is not I will point it out to the gentleman—of the ninth volume of the Weymouth report, in which, in effect, Mr. Weymouth says that the cost estimate of the 26,000,000 acre-foot dam is predicated upon a curve and not upon actual detailed estimates.

I submit, Mr. Chairman, that if there is to be an adequate engineering investigation it must be made by engineers appointed by the President and not by the Secretary of the Interior.

Mr. CRAMTON. Mr. Chairman, I offer a perfecting amendment to the Swing amendment.

The CHAIRMAN. The Chair will recognize the gentleman from Utah [Mr. LEATHERWOOD] for the purpose of discussing the pending amendment.

Mr. LEATHERWOOD. Mr. Chairman, for more than two years I have listened to the proponents of this measure declare in committee that the engineering features of this bill are perfect; that nothing remained to be done, and that the last word had been said so far as the engineering connected with this bill was concerned. I have been astonished to hear two of the prominent proponents of the bill admit here on the floor of the House in debate that they knew so little of the bill that they did not dare yield for a question from the opponents of the bill. I am now astonished to hear for the first time that the engineering connected with this bill is so imperfect and so crude that it is necessary to attach a legislative amendment, incurring great and additional cost, for the Secretary of the Interior now to go out and find out whether he has a real and good place to build the dam or not. It is said that confessions are good for the soul, and I am glad to hear the proponents of this bill gradually confess that they do not know anything about it.

Mr. CRAMTON. Mr. Chairman, I offer a perfecting amendment for the Swing amendment. At the end of the Swing amendment I move to amend by inserting the language I have sent to the Clerk's desk.

The CHAIRMAN. The gentleman from Michigan offers an amendment to the amendment offered by the gentleman from California, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON to the amendment offered by Mr. SWING: At the end of the amendment strike out the period, insert a semicolon, and add the following proviso: "*Provided*, That the work of construction shall not be commenced until plans therefor are approved by said special board of engineers."

Mr. CRAMTON. Mr. Chairman, I have a great deal of confidence in the engineers who have favorably reported upon the feasibility of the construction of the dam in question. I do not understand that any such conclusion is to be drawn from the amendment offered by the gentleman from California as is suggested by the gentleman from Utah, but it is true, as the gentleman from California has suggested, that much study must be given in the actual working out of definite and final plans. Therefore the gentleman from California has offered his amendment, but my reading of the amendment leaves me in doubt as to what would be the function of that special board of engineers, and inasmuch as the engineering phase of this question is of so much importance I believe it desirable that the bill state definitely just what is the function of that board.

The Swing amendment provides that the board shall study and review; but in the event the board should disapprove the plans for the construction of the dam then what would be the authority of the Secretary of the Interior as to proceeding with construction? I think it should be made clear. It is not unusual to have a board of consulting engineers and such boards have been formed with respect to many other projects. I remember we did that in connection with the San Carlos project. After we had authorized the project and had commenced to spend money on the project we provided for a consulting board of engineers. I think it should be clear that if we have such a board, and after their study they say the plans are not desirable, then I think the Secretary should be stopped from proceeding thereunder. I understand my amendment is agreeable to the gentleman from California.

Mr. SWING. I have no objection to it.

Mr. COLTON. Will the gentleman from Michigan yield?

Mr. CRAMTON. I yield, certainly.

Mr. COLTON. If the amendment prevails and there is any danger such as the gentleman has indicated, could not the Secretary of the Interior and would he not likely appoint this board right from the Reclamation Service?

Mr. CRAMTON. My amendment does not affect the appointment of the board. My amendment only has to do with the effect of approval or disapproval by the board of the plans. I have no fear as to the make-up of the board. It is the custom of the Secretary of the Interior in appointing such boards to choose engineers entirely apart from the regular governmental service.

Mr. COLTON. But there is nothing in the amendment that provides for that.

Mr. CRAMTON. No; and, so far as I am concerned, having some familiarity with the practice of the department and some knowledge of the Government engineers connected with the Reclamation Service, I would not think it an entire disaster if they were included, but to include them defeats somewhat

the purpose of the amendment. The services of the engineers of the Reclamation Service are available already. This amendment is to supplement their service by a board of engineers outside of the Reclamation Service, to give them advice, and naturally the Secretary would not appoint them from the Reclamation Service.

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

Mr. LEATHERWOOD. Mr. Chairman, I ask that the gentleman may have two minutes additional, because I want to ask a question.

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

There was no objection.

Mr. LEATHERWOOD. Do I understand from the gentleman from Michigan that this amendment is desirable so far as the Secretary of the Interior is concerned?

Mr. CRAMTON. The gentleman will have to make his question a little clearer, so I can understand what he has in mind.

Mr. LEATHERWOOD. Is this legislation or is this amendment desirable so far as the Secretary of the Interior is concerned.

Mr. CRAMTON. The Swing amendment or my amendment?

Mr. LEATHERWOOD. Either or both.

Mr. CRAMTON. I have had no consultation with the Secretary of the Interior with reference to either one.

Mr. LEATHERWOOD. I am somewhat in the dark, because a bill exactly identical in language and character was presented to the Committee on Irrigation and Reclamation the other day, and the chairman kindly asked me to take the matter up with the Secretary of the Interior, and I asked him if the bill had anything to do with Boulder Dam or if he intended to have any additional engineering. Unfortunately, I do not have his reply here, but he stated that it had no connection with Boulder Dam.

Mr. CRAMTON. I am advised by the gentleman from California [Mr. SWING], and I think he has so stated on the floor, the Secretary of the Interior has approved the amendment presented by the gentleman from California. My amendment has not been submitted to the department.

I now yield to the gentleman from New York.

Mr. LAGUARDIA. I was just going to point out to the friends of this bill that under the gentleman's amendment the construction of this project can be held in abeyance indefinitely until plans that are approved are submitted.

Mr. CRAMTON. I think even the friends of the project want to be sure of the plans before they go ahead.

Mr. MOORE of Virginia. Mr. Chairman, I ask unanimous consent that we may have the Swing amendment, as proposed to be amended by the amendment of the gentleman from Michigan [Mr. CRAMTON] read for information.

The CHAIRMAN. Without objection, the Clerk will again report the Swing amendment and the Cramton amendment.

The Clerk again read the Swing amendment as proposed to be amended by the Cramton amendment.

Mr. DOUGLAS of Arizona. Mr. Chairman, I would like to state that I agree with the gentleman from Michigan——

The CHAIRMAN. For what purpose is the gentleman from Arizona occupying the floor?

Mr. DOUGLAS of Arizona. I would like to speak on the perfecting amendment to the amendment of the gentleman from California.

The CHAIRMAN. The gentleman is recognized for that purpose, but the Chair thought the gentleman had an amendment which he desired to offer.

Mr. O'CONNOR of New York. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. O'CONNOR of New York. I understand the situation to be that the gentleman from Arizona has a substitute amendment pending for the Swing amendment.

The CHAIRMAN. No; the gentleman has not an amendment pending. It was merely read for the information of the committee.

Mr. O'CONNOR of New York. I understood that it was offered as a substitute.

Mr. DOUGLAS of Arizona. It was offered as a substitute.

The CHAIRMAN. The amendment has not yet been offered. This is what the Chair was trying to indicate to the gentleman from Arizona.

Mr. DOUGLAS of Arizona. I beg the Chair's pardon. That being the case, I now offer as a substitute amendment the amendment which has been read.

The CHAIRMAN. The gentleman from Arizona offers the amendment which has previously been read for the information of the committee.

The Clerk reported the amendment of the gentleman from Arizona [Mr. DOUGLAS].

Mr. DOUGLAS of Arizona. Mr. Chairman, I think it should be made clear to Members of the House that the great bulk of the engineering evidence is not in favor of Boulder Dam. I think it should be made clear to the House that this committee of five of the most eminent engineers that can be found reported to the American Engineering Council, none of them in the employ of the power company, although some have been consulted by power companies, and made the very definite and specific recommendation as to what should be done with reference to the engineering features of the proposed project.

That board or committee stated that the evidence was not conclusive, either that the project was sound from an engineering point of view or an economic point of view, but said that before either the Federal Government or private capital would be justified in undertaking the terrific expenditure involved in the construction of this project a further and complete engineering investigation should be made of the Colorado River.

The gentlemen from Colorado and California have stated that the Southern California Edison Co. in 1924 testified before the committee that it would build Boulder Canyon Dam. I defy the gentleman from California to point out any such statement made by Mr. Ballard or Mr. Barre or any representative of the Southern California Edison Co. He will find that Mr. Ballard testified that his company would spend thirty or forty million dollars a year in the development of a project on the Colorado River, but that it would not be necessarily located at Boulder Dam, but, he said somewhere in the lower section. I think, although I am not certain of this, that he will find that Mr. Barre, representing the Southern California Edison Co., testified that it was to be located at Hualpai Rapids and not Boulder Canyon.

I submit that inasmuch as all Government engineers except those of the Bureau of Reclamation have disapproved the Boulder Canyon site, inasmuch, Mr. Chairman, as the money for the investigation by the Bureau of Reclamation was advanced by the city of Los Angeles and affiliated agencies with the specific provision that the moneys must be applied to the Boulder Canyon investigation and no other, and inasmuch as the Boulder Canyon or the Black Canyon are the only two dam sites that have ever been drilled by the Government—except four holes at Bulls Head—that it can not be unanswerably maintained that the bulk of the engineering evidence is in favor of Boulder Canyon.

Mr. LAGUARDIA. Mr. Chairman, I rise in opposition to the amendment, and I ask unanimous consent that I may proceed for 15 minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for 15 minutes. Is there objection?

There was no objection.

Mr. LAGUARDIA. Mr. Chairman, Boulder Dam has become a national problem. It no longer concerns the States directly benefited; it now concerns the whole Nation. Many of us here in the House distant from the Pacific coast are as much interested in this great project—have given it as much study and are as anxious for the passage of this bill—as the Members from southern California, Colorado, or Nevada. I want to point out to the sponsors of the bill, and I do so in all friendliness, that they should guard against weakening their position. By that I mean that all amendments should be resisted, amendments coming from opponents of the bill and enemies of Government operation.

Mr. Chairman, it is not our purpose to work out the engineering features of this project. That is not our job. It is our duty to pass an act providing for the construction of the dam, the construction of the canal, and the construction of the power plant. The type of construction, the engineering calculations, and the details of construction do not enter into the legislative end of this great undertaking. Yes, I have heard doubt expressed on the floor of the House by Members who are so bitter against Government operation and who seemingly believe that government exists and people live only for the purpose of enriching greedy public-utilities corporations. Yes, I have heard timid men express grave doubt whether this project is feasible from an engineering point of view. We have even heard it stated on the floor of the House that the dam could not be built, that it would not function, and even predicted that the wall would soon give way and a terrible catastrophe happen. Such timidity, such fears, such doubts, and such evil forebodings always accompany the initial steps of great undertakings. A mere moment of reflection in the past will recall the abuse and the criticism directed against DeLesseps when he suggested the building of the Suez Canal. It was impossible, the timid ones cried, before the building of the St. Gothard

Tunnel, which pierced the Alps. The Eiffel Tower, which blazed the way for the building of our own skyscrapers, was decried as a foolhardy, impossible task that would one day crumble down and kill thousands of people. Poor DeLesseps was again hounded when he undertook the building of the Panama Canal and was defeated in that undertaking not only by the crooks, but more than anything else by the pessimists. Why, gentlemen, go over yonder to that little room and take from the shelves the CONGRESSIONAL RECORD containing the discussions prior to the authorization for appropriations for the building of the Panama Canal by the United States and you will find the same kind of talk that we have heard against this very bill. It can not be done; its engineering all wrong; the locks will not hold.

The locks are not practical—the same kind of talk that has been urged against this very project. One gentleman complained that the bill does not provide for the necessary power and machinery, I think it was, for the construction of the dam. Well, what of it? It is not the legislative function to attach blue prints of steam shovels and temporary power plants for the construction of an undertaking. So that all this timidity, all this expression of fears, is to be expected in opposition to any great undertaking, to any new project. Men of vision, men of courage, men desirous of rendering useful service are not at all discouraged or disheartened by such opposition.

I am not so sure that the amendment just offered by the gentleman from Michigan is at all necessary if this bill will pass the other body during this session. If the bill should pass the other body, I do not hesitate to say that the amendment weakens rather than strengthens the bill. If the bill should not pass the other body during this session, provisions can easily be made to carry on and continue the studies of this great project during the recess period. The bill will surely pass either this or the short session, and the project will be built for the simple reason that no opposition, no vicious selfishness, no power can stop progress.

I want to say at the outset that what I have said as to the opposition and what I shall say particularly to the lobby and Power Trust interests is in no way personal or to be construed as a personal criticism of any of my colleagues who are opposed to this bill. The gentleman from Arizona [Mr. DOUGLAS] has made as able a presentation of his side of the case as could have been made. The justification of his opposition is, of course, a matter of personal judgment and his own conscience. I am sure every Member of the House admires the splendid presentation and the thorough study he must have given to this project. He has demonstrated without doubt his ability, and, in fact, his keenness, readiness, and ability reminds one of the younger Pitt and he has the added charm and personal attraction of a Disraeli. [Laughter and applause.]

The gentleman from Arizona dwelt at length on the engineering difficulties. That, I believe, is answered as I have just stated, by the fact that the dam will not be built by Congressmen and Senators, but by experienced, competent, and qualified engineers. As to the engineering side of the question there can be no doubt. Then the gentleman from Arizona joins with others, some of whom have acquired quite a reputation as constitutional lawyers, in contending that the bill is not constitutional. Anyone serving in this House will know that the cry of unconstitutionality is always raised in opposition to measures where logical, sound, or economic reasons are not available.

I do not hesitate to say that if the Constitution had been adopted yesterday, just as it was a hundred and forty years ago, and we were considering this bill to-day, the building of this dam, and of a power plant by the Government might be declared unconstitutional. If the Constitution had been adopted yesterday, the framers drafting that document and the people of the various States ratifying it, having knowledge of present-day conditions, the development of electricity, the need of power amounting to a necessary of life, the development of irrigation and the present advanced stage of hydroelectric plants, would of course by its silence on the subject exclude the Federal Government from building the dam and operating a power plant. But gentlemen, the Constitution was not drafted yesterday; neither was it ratified and adopted yesterday. When the Constitution was drafted and adopted, electricity had not yet been developed. Very little was known about it. It had not even advanced very far in the laboratory stage. Hydroelectric power was then not even dreamed. Flood control was not a menace for the reason that the population was so small and available land so plentiful that people could live distant from flood areas. There was only one means of communication, and that was by coach. And coaches traveled on roads. That was the only known means of communication, and the Constitution specifically gave to the Federal Government jurisdiction over and the power to build and maintain post roads. The Constitution gave to the Federal Government the power to regulate commerce between the States and the foreign countries. There is no doubt, there can be no doubt, that the then every known means of communication and the control and regulation of commerce was vested in the Federal Government. There was no question about it.

There was not even any debate about it. The commerce clause of the Constitution was adopted by the Constitutional Convention without debate and by unanimous vote. Now as to navigation, it can not be seriously contended that by reason of the very little, if any, commerce on the Colorado at the present time that the Federal Government can not embark on an undertaking to do anything it desires to promote navigation on that stream. It was never doubted, it was never questioned, and from the earliest days, both in practice and by decisions of the Supreme Court, the power to regulate commerce was construed to give to the Government control and jurisdiction over navigation and all navigable streams. It was held in the very early days and is the law to-day that the size of the stream, the depth of the water, the amount of commerce has nothing to do with the jurisdiction of the Federal Government.

Any stream, regardless of size and depth, on which a canoe can be floated comes within the provisions of the Constitution and the jurisdiction of the Federal Government can not at this late day be questioned—

> To regulate in the sense intended by the Constitution is to foster, protect, control, and restrain with appropriate regard for the welfare of those who are immediately concerned and of the public at large.

Surely no living legislator, no Member of a Congress which only a few days ago passed a flood relief bill of such proportion, far-reaching effect, and enormous cost, will question or can question the power of the Federal Government on such matters. Why, in the last rivers and harbor bill there were many items carrying large appropriations for insignificant ditches that never will have a steamboat on them. There can be no question as to the power of the Government to appropriate money and to dredge and work on these streams. Whether it is judicious or prudent to do so is not the test—the constitutional test. To go back to the flood, if it is constitutional and it is not questioned, to appropriate several hundred million dollars for the control of flood in the Mississippi Valley, surely it is constitutional to authorize the appropriation of $31,000,000 for the control of flood in the Imperial Valley. I challenge any of the constitutional authorities in the House to say that one is constitutional and the other is not. Will the gentlemen who claim that the flood-control feature in this bill is merely a pretext want to urge that the Mississippi flood-control appropriations are constitutional because a flood has already occurred in that region? What a silly position to take. Since when is a catastrophe a necessary condition precedent to a constitutional power of the Federal Government? We did not appropriate several hundred million dollars for the control of floods in the Mississippi Valley because of the last flood. The money was appropriated, the Federal Government has jurisdiction and the power to spend that money, and that was done and will be done to protect the people of that region against floods in the future. No one can tell when another flood will occur. It may never occur. So in the Imperial Valley, no one can tell when a flood will occur. It may never occur. But the remoteness of the time of the catastrophe has nothing to do with the constitutionality of a law providing protection against such catastrophe, regardless of the time of its expectancy. So, gentlemen, there is nothing to the argument that because there has not been a flood in a long time, or because the value of wealth produced in the flooded area is less than the cost of providing flood relief, the Federal Government should not interfere, or if it desires to interfere has not the power to do so.

Therefore no question can be raised or opposition urged in the face of what this Congress is doing and every Congress before it has done to the bill now under consideration in so far as providing for a project which will improve the navigability of the Colorado River and afford flood protection to the Imperial Valley. That leaves one question. I do not fear to face it. That leaves the one question of whether or not the Federal Government as an incidental to the project or undertaking of regulating navigation and a flood control may build a power plant. We now return to the conditions in the country and the stage of electricity at the time the Constitution was adopted. We can not and no court would dare to say that the Federal Government can not have, and should not have, jurisdiction and control over radio communication because the Constitution is silent on the question of radio. No one would urge that the

Federal Government can not establish regulations for the construction, factors of safety, and other details of a steamboat, because steamers were unknown at that time. Would anyone urge that because refrigerators and cold storages were unknown when the Constitution was adopted that the Federal Government can not regulate and supervise shipments of cold-storage meats and other food products? It does. Constitutional limitations must necessarily be construed in the light of changed conditions. It is left for each age to say what the laws for that age shall be. The question put bluntly and squarely resolves itself to this: Given a navigable stream, running through several States, receiving the waters from several tributaries originating in several States, and given the necessity of the Federal Government to regulate this stream for the purpose of navigation by providing a uniform flow of water throughout the year, and given the existence of the danger, no matter how remote, of flood in a region contiguous to this stream, and given the necessity of building a huge dam to carry out both of these purposes, has the Federal Government the power to utilize this same water for the purpose of turning a turbine to generate electricity? That is all there is to it. I do not fear the outcome of any test of constitutionality that may be applied. With changed times, with changed conditions, with the advancement of science and electrical engineering, the time will come, and not in the very distant future, when the right of the Federal Government to utilize any stream for hydroelectric purposes will not be questioned.

Mr. TUCKER. Then the gentleman seeks to get into court under the commerce clause and build a great hydroelectric plant?

Mr. LAGUARDIA. Exactly; and I make no bones about it. The gentleman knows I am always frank and never hesitate to come out with the truth.

Of course, this matter of constitutionality is elastic. The Constitution is not so rigid and inflexible that its provisions can not be adopted and applied to the conditions existing in the age in which we are living. Why, the flexibility of the Constitution was put to an extreme test a few days ago. This House passed a bill appropriating $5,000,000 to construct and maintain a road from here to Mount Vernon. The propriety, the necessity, the prudence of the Government building that particular road and maintaining it forever hereafter were questioned. But what interested me most of all is that some of the most scholarly constitutional authorities in this House were strong for that bill and are opposing this Boulder Dam project on the ground of its constitutionality. It is indeed interesting to note how these gentlemen justify and square their attitude toward the road and against this project. As against this they say that the question of navigation and flood control is a mere fiction and that under that pretext the Government has no right or power to construct and operate a power plant. But as to the Mount Vernon Road, one of these scholarly gentlemen said that the Government was justified in building and maintaining this road under the express grant in the Constitution to build and maintain post roads, although he admitted that there would never be an ounce of mail carried over this road. Another constitutional authority in the House, opposed to the Boulder Dam project, stated to me that the road could be justified as a military necessity, and admitted, too, that in all likelihood troops would never use it or a cannon lumber down its highway. While the third gentleman who has expressed doubt as to the validity of this bill said that he was certain of the propriety of the Government building and maintaining the Mount Vernon Road on the ground that the Government, being charged with maintaining an Army, was necessarily charged with burying its dead soldiers; that a Commander in Chief of the Army was buried at Mount Vernon, and that necessarily carried with it the power and authority to build a road to that grave. I submit, gentlemen, and I submit to my colleagues to whom I am referring that it is not necessary to bend or strain the Constitution to any such extent in order to make it applicable and justify every provision in the Boulder Dam bill.

Why, gentlemen, this bill before us is the most engaging piece of legislation that has been considered by the American Congress since the building of the Panama Canal. Just pause for a moment to contemplate what we are doing. It can not but appeal to the imagination of every man and woman of this House. Here we have a huge watershed forming into a tremendous stream passing through several States and of practically no use and serving no beneficial purpose. Nature in its hurry seemingly to do other things left her job unfinished.

Imagine this huge canyon to be dammed by a wall over 600 feet high, creating a gigantic natural reservoir site impounding 26,000,000 acre-feet of water. Millions and millions of horsepower now going to waste year after year will be harnessed and utilized to generate electricity which will be sent hundreds of miles and bring cheer, comfort, and move the wheels of industry. Just think of this stream overflowing and rushing on in one season of the year and a limping, useless creek at other times of the year being turned into a magnificent stream with a daily uniform flow of water throughout the year to be utilized as a great artery of commerce for that region of the country. The Imperial Valley, now threatened by flood, to be secured in its safety with a constant supply of water to irrigate its soil and increase its productivity. The project is thrilling, and one must really lack in vision or be so one sided in seeing only dividends and coupons for private corporations to fail to register in considering this great undertaking. Boulder Dam in its gigantic proportions, in the very difficulty of the task, has brought out the creative genius of man. It has called forth for the best that this country can give to march forth to correct the defects of nature. Just as it has brought forth the best that there is in men, just as it has urged the most noble instincts of men to be of service to humanity, curiously enough it has brought forth the vilest, the basest, and emphasized to an unheard-of degree the meanness that men can resort to when motivated only by greed and selfishness. We can not in the consideration of this bill avoid speaking very frankly about the forces that have been opposing this project for the past six years. Opposed to this bill there has been the most vicious, disgraceful venal lobbies that ever existed in the history of the world. [Applause.] Talk about propaganda. Some of the gentlemen opposed to this bill, and I want to say I am sure they are opposed owing to misunderstanding as to the effect on certain localities—they have spoken about propaganda. They have talked about newspaper articles. Why, gentlemen, there never has been a more determined, persistent, organized, systematized opposition to any measure than has been fighting this bill for the past six years up to this very day. A ruthless opposition provided with unlimited funds based on a selfish, greedy purpose to control all of the power in this country and to have not only the health and happiness of the people but the entire industry of the country, at their mercy. Gentlemen, the Power Trust and the power lobby are not fiction. The Power Trust is not a mere figure of speech. There is a Power Trust. There is this tremendous control of the public-utility corporations of this country.

Only here and there where we have municipal owned and operated power plants or gas plants have the people any relief. It is by these isolated cases of municipally owned and operated plants that we know positively the extent of the exploitation of this greedy, disgraceful trust managed by vicious, greedy, avaricious men with no sense of decency or propriety. Eighty per cent of the national production of gas and electricity is now in the hands of 15 holding and operating groups. These 15 holding groups are united in the opposition to this and other Government projects, whether State or municipal, and one of its operating agencies is the joint committee of national utility associations. The hang out or den—I want to make sure not to designate it as an office or headquarters—of the joint committee of national utility associations, from whence its nefarious, corrupt, and disgraceful practices emanate, is at 420 Lexington Avenue, New York City. The five companies which control half of the whole production are the Electric Bond & Share, Insull, Northeastern, North American, and Byllesby interests. The Federal Trade Commission is now going into these facts, and before it is through with its investigation—and I hope by the time we get back in December we will have the official figures showing the control of this vicious trust.

In 1927 alone this trust has increased its power by getting control of no less than 828 individual companies. The lobby has worked on legislatures in every State of the Union. Wherever there is in contemplation the acquisition by either State or municipality there you will find this same lobby opposing the project and carrying on its foul, vicious, and corrupt practices. Yes, gentlemen, it has been working in districts in every State. With its sop of letting the public buy some of its stock, always keeping control themselves and making the dear public believe that it owns the local electric light company, it not only has exacted exorbitant fees but it has wielded influence over public officials through pressure brought by these misguided stockholders who believe they own the company.

While it is seeking to prevent legislation, with its lobbies all over the country, it has carried on a campaign of misinformation, of deliberate lies in civic, political, women's, and other clubs throughout the country. An army of trained and able speakers willing to utter words put in their mouths by this

vicious source at so much a speech have appeared in various forums and before all these clubs as public-spirited speakers and not disclosing that they were the paid mouthpieces of this vicious organization. Not only that, gentlemen, but this lobby and this Power Trust, through the agencies that I have mentioned, have gone so far as to buy and pay for the kind of instruction that it desires to be given to American children in public schools and private colleges. So convinced is the Power Trust of the unnatural existing conditions, of the utter lack of fairness in having a necessary of life under an absolute monopoly, so certain are they that without the artificial stimulus of misinformation, corruption, and graft they can not continue to exploit the American people, that they are willing to spend part of their ill-gotten profits to subsidize or bribe, to use the proper term, instructors to warp the minds of pupils and atrophy the power of thinking of the coming generation. Oh, gentlemen, you gasp. Wait until you read the complete hearings of the investigation now being carried on by the Federal Trade Commission. And without waiting for that report let me tell you I have right here in my hands a photostatic copy of a check for $10,000, being the one-third annual subsidy for this kind of inspired scientific knowledge. This check is dated January 27, 1928, made out by the National Electric Light Association to the Graduate School of Business Administration of Harvard University. Thirty thousand dollars a year to this school. Now, we go a little farther West. I have here a photostatic copy of a check on the Bankers' Trust Co. of New York, made by the same National Electric Light Association, for $12,500, being half the annual subsidy of $25,000 for the school of land and public utility economics of Northwestern University. Here is a check for $407 paid to Prof. Theodore J. Grayson, who holds a chair in the University of Pennsylvania and who goes out and lectures as a professor of the university on public utilities, always, of course, against Government operation and never disclosing that he is the hireling at so much a speech of the Power Trust. The check is dated October 21, 1927, and is drawn by the joint committee of National Utility Associations I referred to a while ago. How about this for camouflaged respectability? I have here a photostat of a letter from the New Jersey Gas Association which involves three newspapers of that great State receiving "inspired" information. No doubt the details will be brought out by the Federal Trade Commission investigation.

To give you an idea of the undercover methods of the sly, sneaky way this gang of power companies worked themselves into the college, this is what Mr. J. S. S. Richardson, in the employ of the associations, stated:

> My committee recently arranged with a leading publishing house to make corrective suggestions prior to the publication or republication of textbook issues. I am inclosing outlines of the public utility courses recently run in the University of Pennsylvania and Temple University. The plan was put across in the usual way. We laid the groundwork circumspectedly and with care, so that the actual suggestion that such courses be started came from the faculties of the institutions themselves. The rest was routine.

Gentlemen, do you get that? "The plan put across in the usual way." The "usual way" being, of course, payments of cold cash. How they worked "circumspectedly and with care," how they were careful that it should not be made public that the "suggestion" came from the Power Trust. If the purpose was honest, there would have been no necessity of this underground, roundabout, sneaky, hidden method being employed. Why, gentlemen, the Power Trust has even gone so far as to tamper with textbooks, and in more States than is now generally known. I tell you now, gentlemen, and I will be corroborated before long, that in many of the States they have been able to get to the textbooks of the public schools and write the daily lessons of economics, public utilities, to suit their own selfish interest. What a stigma they have placed on the educational record of the students innocently attending these subsidized schools. What a bar sinister to place on the educational records of schools. How ashamed they must all feel of their schools. Why this bribery in the form of subsidies, this method of reaching the textbooks would make a student an illegitimate alumnus of an immoral alma mater. [Laughter and applause.]

Mr. DOUGLAS of Arizona. Will the gentleman yield?

Mr. LAGUARDIA. No, I am sorry I have not the time. Now, gentlemen, the lobby has been operating right here in Washington. I have here a photostatic copy of a statement submitted to the joint committee of national utility associations showing the expenses of a Stevens P. Davis, who is called the judge by his pals of the power gang. This is a statement showing expenses in Washington. One item shows the hotel expense and meals from January 12 to 27 at the Mayflower Hotel of Mr. Cortelyou and Davis in the amount of $1,282.14. That must have been some party. Imagine hotel bills for two, including meals and incidentals, and I am reading from the statement, amounting to a hundred dollars a day. I wonder what the incidentals were. [Laughter.]

Now the reason this attracts my attention is that Cortelyou is the president of one of the gas companies of New York City. It was this gas company, you gentlemen will remember, for I have spoken of it several times, which conducted quite an "educational" campaign to set aside a State law fixing the rate for gas. Whoever they might not have educated, they surely succeeded in educating the judge, and the master the judge appointed, and succeeded in getting a decision their way. Gentlemen, I do not hesitate to say on my responsibility that the decision on the facts in that case was not an honest decision. You all remember the exorbitant fees paid to the master and the order of the Supreme Court to refund part of the fee, and the expression of the gas company, that they were perfectly satisfied and did not want any of the money they paid the master back. I will not bore you with that now, but it is the same Cortelyou of the same gas interests in New York that is in with this power lobby, and his company is part of the committee on utility associations that has been carrying on this campaign of education, bribery, corruption, and other lofty purposes. At this very moment the gas companies in New York are seeking to establish the right to charge a fixed rate to each consumer if the consumer does not use that amount of gas. In other words, a fixed charge as a minimum to be obtained from the gas company for each consumer and a charge above that on the quantity of gas consumed. I understand there is an application pending right now by the gas companies to establish this new way of public-utility larceny. They are at this very moment looking around to debauch some judge to appoint their man as master and will take the case to court when they succeed in fixing the master. I serve warning now: Let that judge beware if such a proposition goes through and if there is a repetition of what happened in the Consolidated Gas Rate case.

Oh, of course, great and many are the arguments against Government operation. Oh, it is unconstitutional; oh, it is wasteful; oh, it is inefficient; oh, it is uneconomic, says the Power Trust and the power lobby. The sad thing is that they are able to find men in public office who will parrot these expressions. Why, the power lobby has been so active against Government operations, they have been so persistent against Government operation, they have have sent abroad so much misinformation, that it seems to me any fair-minded man can see through their real purpose. This power lobby working for the Power Trust has so disregarded decency, ethics, fair dealing, as to become a real menace to society. They are really nothing else but social cooties. [Laughter.]

Gentlemen, let us be fair on this question of Government operation. All this opposition to Government operation comes from selfish sources. Of course, Government operation is not popular when it is in the hands of opponents to Government operation. Of course, Government operation is not successful when the opponents put the Government in business that is not profitable. Why, only a few days ago right here in this House you passed the inland waterways barge bill. What did that do? Why it continued a Government operation of tugboat and barge lines on the inland waterways. You invested $15,000,000 in that corporation and not one of the opponents of Government operation and not one Member who is now opposing Government operation of this great power plant voted against that bill. Why? I will tell you why. Because in that bill you provided that the Government should invest $15,000,000, and that the Government should operate and the Government should continue to operate until there is a loss but as soon as the operation is on a profit-paying basis, then the Government is compelled to go out of business and to turn it over to a private corporation. Then the opponents of Government operation will have the cheek and the temerity to say, "Oh, look, the Government operated at a loss and now it is operated by a private corporation at a profit." It will be forgotten that private corporations would not undertake to initiate this barge service or to pioneer it to the point of bringing it up to a profit-paying basis. The opponents of Government operation were silent then. First, because they saw the necessity of the Government providing this much-needed barge service; then because it was to be turned over to private operation as soon as it was profitable; and then because it would furnish another comparison, though untruthful and unfair, between Government and private operation. Look at Cape Cod Canal. There you had just the reverse. First, private capital invested. They operated. The operation was not profitable. There were no huge profits to be

made. What happened? Then after private capital saw that they could not make any money they dumped it onto the Government and succeeded in getting a profit out of their original investment by charging the Government an excessive price. Now opponents to Government operation will say the Government can not operate Cape Cod Canal at a profit. With all the opposition and the disadvantages the Government is successfully maintaining Muscle Shoals at this time. Give the Government a chance to operate Muscle Shoals to its complete capacity and an opportunity to sell power to the consumers and it will be demonstrated what a blessing Government operation of a hydroelectric plant really is. Imagine, gentlemen, if the Post Office was operated by a private corporation. Imagine the exorbitant rates, the constant haggling for higher rates, the exploitation of its workers, without thinking for a moment the possibility of sending a letter from New York to San Francisco for 2 cents.

Another instance of how unfair this opposition to Government operation is and how unjust the charge that Government operation is not successful was demonstrated right here in the House again only a few days ago. Every opponent of Government operation has been constantly harping on the loss sustained by the Government through the Shipping Board. "Get out of business," says the Power Trust and others to the Government. "Let your ships be operated by private companies," continue the opponents of Government operation. The Government is criticized because it shows a loss in the operation of the many lines under the control of the Shipping Board. In the same breath and in support of the Jones-White shipping bill it was admitted that private companies can not operate ships at a profit, and they were here on their knees begging for a subsidy. Then why criticize the Government and blame the loss of the Shipping Board on Government operation? In fact, the Jones-White bill which passed the House and Senate makes up the losses and gives a direct subsidy to certain classes of ships, no matter what you call that subsidy. For the Government to give money to private corporations who operate under a loss is, according to the opponents of Government operation, sound, good economics, and good business. But for the Government to operate these same ships at a loss, the same loss, is inefficient, wasteful, and dangerous. So when some of us face the inevitable, and in keeping with the times, see and advocate the necessity of the Government stepping in, managing and operating for the benefit of all of the people certain natural resources, the means of transportation and communication, we are called radicals, Bolshevists, unsound, and uneconomical and with a dash of unconstitutional for good measure; but if you bow to the Power Trust, send your children to learn economics from their hired professors, put the Government in business where there is a loss, and put private capital in as soon as it is profitable, and keep the Government out of any natural function of government if it is profitable to a trust, then you are constructive, you are sound, you are constitutional, and you are a great statesman. [Laughter and applause.]

So, gentlemen, I say that, no matter what happens, this great project must be constructed, developed, and operated for the benefit of all of the people living in that region of the country. I firmly believe water or electric power can be furnished and distributed to the consumers at a fair and reasonable rate only by the Government or through one of its agencies. Let us not be blind to the past; let us not be indifferent to the present, but keep abreast of the times and without hesitancy establish the precedent now that any gift of God, whether at Boulder Dam, Muscle Shoals, the Columbia River, or at Niagara, was not put there to be given to the Power Trust to enjoy and to exploit for their own selfish interests. Let us establish the precedent right here and let us pass this bill and let it be known that from now on the people will get enjoyment of the natural resources to which they are wholly and justly entitled. [Applause.]

The CHAIRMAN. The gentleman's time has expired. All time on the amendment has expired. The question is on the amendment offered by the gentleman from Michigan [Mr. CRAMTON].

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. CRAMTON. Mr. Chairman, I ask for a division.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 73, noes 3.

So the amendment was agreed to.

The CHAIRMAN. The vote recurs on the substitute offered by the gentleman from Arizona [Mr. DOUGLAS].

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. DOUGLAS of Arizona. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 43, noes 54.

So the amendment was rejected.

The CHAIRMAN. The vote recurs on the amendment offered by the gentleman from California [Mr. SWING], as amended.

The amendment as amended was agreed to.

Mr. DOUGLAS of Arizona. Mr. Chairman, I offer an amendment.

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

The Clerk read as follows:

Amendment offered by Mr. DOUGLAS of Arizona: Page 3, line 8, after the word "purposes," insert a new paragraph, as follows:

"Inasmuch as improving navigation is one of the above purposes of the act, it is hereby provided that no construction shall be commenced and no money expended until the Army Corps of Engineers have reported that the appropriations authorized herein are justifiable for the purpose of improving navigation, and that the commercial benefits which may accrue from the improvement of the stream for navigation is commensurate with the appropriations herein authorized."

Mr. SWING. Mr. Chairman, I make the point of order that it is not germane.

Mr. DOUGLAS of Arizona. The gentleman is not denying that this improvement is for the purpose of improving navigation?

Mr. CRAMTON. Perhaps the gentleman does not want to make it exclusively a matter of improving navigation.

Mr. DOUGLAS of Arizona. Perhaps the gentleman does not want to improve navigation at all.

The CHAIRMAN. The Chair overrules the point of order.

Mr. COLTON. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

Mr. SWING. Mr. Chairman, I would like to ascertain the time that is still further desired on this amendment. I move that all debate on this amendment and all amendments thereto close in five minutes.

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

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. DOUGLAS of Arizona. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 25, noes 64.

So the amendment was rejected.

Mr. SWING. Mr. Chairman, I move that all debate on this section and all amendments thereto close in 10 minutes.

The motion was agreed to.

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

The Clerk read as follows: Amendment offered by Mr. COLTON: Page 3, after the Swing amendment, add the following: "*Provided further,* That no work shall be commenced or expense incurred under the provisions of this bill until the Secretary of the Interior shall have submitted the measure to the Attorney General and shall have received an opinion from the Attorney General that the measure is constitutional."

Mr. LAGUARDIA. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. Does the gentleman from Utah desire to be heard on the point of order?

Mr. COLTON. Mr. Chairman, it is not subject to a point of order. There may be a question of policy but certainly the amendment is germane to this section and is certainly in order.

Mr. LAGUARDIA. Except it makes the legislation subject to the viewpoint of the Attorney General.

Mr. NEWTON. That does not make the amendment not germane.

Mr. COLTON. Even that would not make the amendment not germane.

Mr. LAGUARDIA. Oh, yes, it would; it destroys the purposes of the bill.

The CHAIRMAN. The Chair is ready to rule. The Chair overrules the point of order.

Mr. COLTON. Mr. Chairman and members of the committee, this is one of the most important pieces of legislation that has been before this Congress in a generation. The gentleman from Colorado [Mr. TAYLOR] a while ago announced a doctrine, if I understood him correctly, which is absolutely new from a legal standpoint. He said there were three ways that the waters of this river could be allocated. First, by the Supreme Court of the United States; second, by a compact entered into between the States, and, third, under the provisions of this bill. If that means anything at all it means that the Congress of the United States can allocate the waters of that stream. Gentlemen, that is contrary to every principle upon which our whole body of irrigation law rests. If this bill does seek to

divide or allocate the waters of the Colorado River, I maintain it is absolutely unconstitutional; that it is against all of the decisions of the court that have been made with reference to this question, and it declares an absolutely new policy.

Congress has never heretofore in the history of this country undertaken to allocate the waters of a stream between the States. If this bill is passed and this measure becomes a law, certainly no expense should be incurred or any work commenced until the Secretary of the Interior has submitted it to the legal department of the Government and has found out whether or not it is constitutional.

I am simply seeking by this amendment that this vital question, which embarks the Government and the Congress upon a new policy with reference to the allocation of the waters of a stream, be submitted to the legal department of the Government. In the Western States we have maintained, and have maintained from the beginning, that the right to the ownership of the water is in the States. This undertakes to turn over the right to impound these waters, and section 5 provides that the Secretary of the Interior may arrange to distribute or deliver the water lower down the river and also under the canal that is provided for in this bill. That being true, we declare in effect that the water may be allocated by the Secretary of the Interior, and we declare further that the water may be controlled by him. That means that the Congress and the executive department are now embarking upon the policy of controlling, distributing, and allocating the waters of this river. If that is true, I say that before that new policy is adopted it should be submitted to the legal department of this Government for an opinion as to its constitutionality. In the case of Colorado against Kansas it was plainly held that the right to the water was in the States. The Government has no control except for navigation purposes. The gentleman's argument, pushed to its logical conclusion, is dangerous to the rights of all the States.

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

The question was taken; and on a division (demanded by Mr. COLTON) there were—ayes, 28, noes 45.

So the amendment was rejected.

Mr. MOORE of Virginia. Mr. Chairman, I offer an amendment.

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

The Clerk read as follows:

Amendment offered by Mr. MOORE of Virginia: At the end of the Swing amendment, as amended, add the following: "No authority hereby conferred on the Secretary of the Interior shall be exercised without the President's sanction and approval."

Mr. CRAMTON. Will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. CRAMTON. I take it that what the gentleman from Virginia desires is that the program of construction shall not be initiated without that approval, but as the gentleman's amendment reads, every time the Secretary of the Interior proposes to do something under this act, either at the beginning or subsequently, he will have to get the President's approval.

Mr. MOORE of Virginia. In answer to that let me explain the purpose of the amendment. It is not very important whether the language is exact or not, because this measure will undoubtedly go to conference if it is passed here. The general purpose of the amendment is perfectly clear, and I offer it as a friend of the measure and one who expects to vote for the measure.

Section 1 of this bill, which is such an important part of it, as it has been amended, leaves to the Secretary of the Interior, without any control whatever, the final word as to the construction of the plant at Boulder Canyon, with all of its incidents, and as to the construction of the canal. He has a free hand and there is no restraint that is contemplated.

Now, favoring the measure, I wish to safeguard the public interests. I have great respect for the present Secretary of the Interior, but we can not foresee who will be the Secretary of the Interior to-morrow.

Mr. SCHAFER. Will the gentleman yield?

Mr. MOORE of Virginia. No; not now.

And we know who was the Secretary of the Interior, with some very large discretionary powers vested in him several years ago, and I am not willing, if I can prevent it, for the Government to embark on an enterprise of this magnitude, which will involve such a vast expenditure, without giving the final word to the President of the United States instead of to the Secretary himself. [Applause.]

I do not know that I could, by any elaboration, make plainer the object of the amendment, and I do not think the committee ought to have any hesitation in adopting it along with similar subsequent amendments.

Mr. SWING. I am very glad to accept the gentleman's amendment. I think it is a very good one. [Applause.]

The amendment was agreed to.

The Clerk read as follows:

SEC. 2. (a) There is hereby established a special fund, to be known as the "Colorado River Dam fund" (hereinafter referred to as the "fund"), and to be available, as hereafter provided, only for carrying out the provisions of this act. All revenues received in carrying out the provisions of this act shall be paid into and expenditures shall be made out of the fund, under the direction of the Secretary of the Interior.

(b) The Secretary of the Treasury is authorized to advance to the fund, from time to time and within the appropriations therefor, such amounts as the Secretary of the Interior deems necessary for carrying out the provisions of this Act, except that the aggregate amount of such advances shall not exceed the sum of $125,000,000. Interest at the rate of 4 per cent per annum accruing during the year upon the amounts so advanced and remaining unpaid shall be paid annually out of the fund.

(c) Moneys in the fund advanced under subdivision (b) shall be available only for expenditures for construction and the payment of interest, during construction, upon the amounts so advanced. No expenditures out of the fund shall be made for operation and maintenance except from appropriations therefor.

(d) The Secretary of the Treasury shall charge the fund as of June 30 in each year with such amount as may be necessary for the payment of interest on advances made under subdivision (b) at the rate of 4 per cent per annum accrued during the year upon the amounts so advanced and remaining unpaid, except that if the fund is insufficient to meet the payment of interest the Secretary of the Treasury may, in his discretion, defer any part of such payment, and the amount so deferred shall bear interest at the rate of 4 per cent per annum until paid.

(e) The Secretary of the Interior shall certify to the Secretary of the Treasury, at the close of each fiscal year, the amount of money in the fund in excess of the amount necessary for construction, operation, and maintenance, and payment of interest. Upon receipt of each such certificate, the Secretary of the Treasury is authorized and directed to charge the fund with the amount so certified as repayment of the advances made under subdivision (b), which amount shall be covered into the Treasury to the credit of miscellaneous receipts.

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

I should like to ask a question of the gentleman from California [Mr. SWING] and suggest one or two amendments for his consideration.

In subdivision (b) there is provision for the advance from the Treasury to the Secretary of the Interior and then provision for the payment of interest. I think subdivision (b) ought to make clear what I think is the intention, that the interest should run from the time the money is advanced. This could be done by inserting after "4 per cent per annum" the words "from the date of advance."

In connection with this I would like to call the gentleman's attention to subdivision (c). Having authorized payment of interest in subdivision (b), subdivision (c) seems to ignore it because it says, "Moneys in the fund advanced under subdivision (b) shall be available only for expenditures for construction and the payment of interest, during construction, upon the amounts so advanced.

Mr. SWING. That is right.

Mr. CRAMTON. If the words "during construction" are dropped out there and the words which I have suggested inserted in subdivision (b), I think both points would be clarified.

Mr. SWING. Let me say to my friend and colleague from Michigan that these four paragraphs—(b), (c), (d), and (e)—were very carefully worked out by that able Assistant Secretary of the Treasury, Mr. Winston, together with the aid of two of his best men in the department. He also had the benefit of the assistance of the one who was at that time the legislative counsel of the House.

Mr. CRAMTON. Does not the gentleman think we would better use some of our own judgment, instead of relying on somebody else, when it is clear that under subdivision (c) there is no authority to pay any money for interest after construction; and the two amendments I have suggested simply clarify the language.

Mr. SWING. I think section (b) clearly provides in the last sentence that there shall be interest at the rate of 4 per cent per annum accruing during the year upon the amounts so advanced during that year.

Mr. CRAMTON. All right, let us let that go; but having authorized payment of interest, subdivision (c) practically for-

bids actually paying it except interest during construction. If you will drop out the words "during construction" the whole thing is saved.

Mr. SWING. Personally I am content to rest upon the provisions as written by the Treasury Department, and I hesitate to change them.

Mr. CRAMTON. Subdivision (c) provides that the money that has been advanced shall be available only for what? For two things—first, for expenditures for construction, and second, for payment of interest during construction. Now, there is nothing that promises payment of interest after construction.

Mr. ARENTZ. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. ARENTZ. It will take approximately six years at the minimum to absorb the power that will be generated at this plant. This is called the absorption period. In figuring out the cost of the power to the consumer or the buyer, the municipality or the State, a price must be set, including the interest during the absorption period. This absorption period may be nine years.

Mr. CRAMTON. But that has nothing to do with subdivision (c).

Mr. ARENTZ. Yes; the interest will be included in the cost of these contracts. After the cost of construction the only revenue derived will be from the sale of power and of water.

Mr. CRAMTON. Subdivision (c) covers the use of this fund from the day you commence until possibly 50 years from now, and if you drop out the words "during construction," I will waive the other part of the suggestion.

Mr. SWING. Subdivision (b) covers only the money actually appropriated out of the Treasury of the United States into this fund.

Mr. CRAMTON. Yes.

Mr. SWING. It does not cover moneys in the form of revenue from the project, but only the actual appropriations. Now, out of these actual appropriations covered by subdivision (b), subdivision (c) provides that during the course of construction interest shall be paid to the United States Treasury. Now, afterwards there is 4 per cent interest drawn.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CRAMTON. Mr. Chairman, I offer an amendment. On page 4, line 3, strike out the words "during construction."

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

The Clerk read as follows:

Amendment by Mr. CRAMTON: Page 4, line 3, strike out the words "during construction."

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

The question was taken; and on a division (demanded by Mr. DOUGLAS of Arizona) there were 41 ayes and 27 noes.

So the amendment was agreed to.

Mr. DOUGLAS of Arizona. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment by Mr. DOUGLAS of Arizona: Page 3, line 25, after the word "fund," insert "*Provided further*, That before the Secretary of the Treasury shall advance such amount to the fund the contractees with whom the Secretary of the Interior may have entered into contract in compliance with the provisions of this act shall have placed in the hands of the Secretary of the Treasury trust fund bonds bearing interest at not less than 4 per cent in the aggregate amount of such advances."

Mr. DOUGLAS of Arizona. Mr. Chairman, Members of the House know I am opposed to this bill, but if the House is going to pass the bill I would like to see the Federal Government reimbursed for its expenditures. I am absolutely certain that the only way in which all of the taxpayers in the United States can be protected against the terrific loss is by a provision which will compel all the contractees to put up with the Secretary of the Treasury trust-fund bonds equal in amount to the advances made. If that is not done, gentlemen of the House, I predict that inside of 50 years you will have a deficit on your hands of approximately $300,000,000, if not more; and not an amortized project.

In view of the economic situation, if the House intends to pass this bill I submit that it would be the part of wisdom to compel the contractees to put up such collateral security as is provided by this amendment.

I appreciate that the gentleman from California is going to say that the city of Los Angeles can not, because it has not the bonding authority, but I submit this to the gentleman: That if the city of Los Angeles wants this project as much as it apparently seems to, judging from the amount of money it has spent, then it can very easily amend its charter and the Legislature of California can easily be persuaded to permit such an amendment.

Mr. SWING. Mr. Chairman, the proposal of the gentleman from Arizona is preposterous. There never has been such a complete provision in any bill to guarantee to the Government a safe return of its money as that which this bill now contains. Never before has a project been authorized where the law required that before the contract was let, before any work was done, or even before Congress made the appropriation that there should be binding contracts put up with the Secretary of the Interior agreeing to take water and power at rates prescribed by him which in the aggregate would assure the Government the complete return of its money and interest.

The gentleman from Arizona is not trying to perfect the bill, he is trying to kill the bill. He favors whatever obstacles and obstructions that will tend to delay and impede if not prevent the work. He is ingenuous and able, and I compliment him on his ability to think up these amendments for this purpose.

Mr. DOUGLAS of Arizona. Mr. Chairman, I think the gentleman has overstated the case. I am perfectly sincere and honest in offering this amendment. I have no ulterior purpose in it; I know it is the only way in which all the taxpayers in the United States can be protected.

Mr. SWING. The gentleman knows that it can not be done and never has been required in all the history of this country.

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

The question was taken; and on a division (demanded by Mr. DOUGLAS) there were 21 ayes and 43 noes.

So the amendment was rejected.

The Clerk read as follows:

SEC. 3. There is hereby authorized to be appropriated from time to time, out of any money in the Treasury not otherwise appropriated, such sums of money as may be necessary to carry out the purposes of this act, not exceeding in the aggregate $125,000,000.

Mr. BLACK of New York. Mr. Chairman, I move to strike out the figures at the end of the section.

Mr. Chairman and gentlemen of the committee, I do not believe the purpose of great public projects should be held back due to legislative fear, due to the fact that some people always see ghosts when the public is about to expend some money. Early in my own legislative experience I was always afraid when the State was going to do something big somebody was going to steal a 2-cent stamp and ruin the project, but I find that a great many of these projects have turned out to be a great help to the State of New York.

I know gentlemen connected with public utilities. They are nice men, but they are not nice men, not by a dam site, on the first of the month when my bills come in for electricity, gas, and telephones. I know their philosophy. Some of them would like to monopolize the air and feed it to the public through nozzles with meters attached. Others would like to attach switches to the sun and the moon and charge us at the end of the month for this natural light. I think they ought to call the illegitimate alumnus referred to by the gentleman from New York [Mr. LAGUARDIA], John Dough, and he ought to belong to the taka-piecea-graft fraternity.

The great question here is not the fear that the Government is going to lose a lot of money, but I think the great question here is this, that we are going to write into the law the principle of public ownership, and it is going to serve as a weapon in every community that is being increasingly gouged by their public utilities, and this is a warning to the public-utility companies of the country that they have got to stop the gouging of the public, that the public has a weapon, that the Nation is willing to go into this utility business, you might call it, although some would prefer to have it called going into industrial business. But this is quite different than an industrial business. A public utility already is subject to rate regulation because of its nature, it being in the form of a monopoly. It is not a competitive industrial.

I think the speech of the gentleman from Connecticut [Mr. TILSON] has made a great number of votes for this bill. He gave the idea that the men have in mind who are outside the affected territory, and what they see in this proposition, in its being of lasting and of great public benefit. It is a strange thing to me that any time a public-utility company, privately owned, takes over a natural resource, it is a wonderful proposition, but as soon as the public wants to take it over and operate it for public use it becomes something in the nature of a catastrophe. Those outside the zone affected by this bill in voting for this bill issue a challenge on behalf of the people to the public-utility corporations of this country that they must stay within reason, or the public communities are going

to take over these utilities and operate them in the public interest. [Applause.]

The Clerk read as follows:

SEC. 4. (a) No work shall be begun and no moneys expended on or in connection with the works of 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.

(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.

With the following committee amendment:

Page 5, line 7, strike out the word "of" and insert the word "or."

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

The committee amendment was agreed to.

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

The Clerk read as follows:

Committee amendment offered by Mr. ARENTZ: Page 6, line 6, insert a new paragraph, as follows:

"If, during the period of amortization, the Secretary of the Interior shall receive revenue in excess of the amount necessary to meet the periodical and/or accrued payments to the United States as provided in the contract or contracts executed under this act, then, immediately after the settlement of such periodical and/or accrued payments, he shall pay to the State of Arizona 18¾ per cent of such excess revenues, and to the State of Nevada 18¾ per cent of such excess revenues."

Mr. ARENTZ. Mr. Chairman, one of the safeguards in this bill provides that work shall not commence until contracts shall be entered into for the sale of power and stored water sufficient in amount to return to the Treasury of the United States all costs of the construction of the works herein provided. This amendment follows another important matter with respect to equitable and fair treatment to the States of Arizona and Nevada after yearly amortization payments have been made from the revenue derived from such contracts, for the sale of power and water, in line with the policy adopted in the enactment of the Federal water power act. Section 17 of this act reads as follows:

SEC. 17. That all proceeds from any Indian reservation shall be placed to the credit of the Indians of such reservation. All other charges arising from licenses hereunder shall be paid into the Treasury of the United States, subject to the following distribution: Twelve and one-half per cent thereof is hereby appropriated to be paid into the Treasury of the United States and credited to "Miscellaneous receipts"; 50 per cent of the charges arising from licenses hereunder for the occupancy and use of public lands, national monuments, national forests, and national parks shall be paid into, reserved, and appropriated as a part of the reclamation fund created by the act of Congress known as the reclamation act, approved June 17, 1902; and 37½ per cent of the charges arising from licenses hereunder for the occupancy and use of national forests, national parks, public lands, and national monuments, from development within the boundaries of any State shall be paid by the Secretary of the Treasury to such State; and 50 per cent of the charges arising from all other licenses hereunder is hereby reserved and appropriated as a special fund in the Treasury to be expended under the direction of the Secretary of War in the maintenance and operation of dams and other navigation structures owned by the United States or in the construction, maintenance, or operation of headwater or other improvements of navigable waters of the United States.

I offered this amendment to my Committee on Irrigation and Reclamation while this bill was being considered, and same was adopted by the committee. An amendment identical to this was offered to the Johnson bill in the Senate by the senior Senator from Nevada and adopted. I sincerely trust that my colleagues will accept same—providing for revenue to my State of Nevada and to Arizona from any surplus revenue to the amount of 18¾ per cent of such surplus.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Nevada.

Mr. SPROUL of Kansas. Mr. Chairman, I make the point of order that the amendment is not germane.

The CHAIRMAN. The point of order comes too late.

Mr. DOUGLAS of Arizona. Mr. Chairman, I desire to be heard, briefly, upon the amendment. The amendment means nothing. It provides for payment in excess of periodical payments to the United States, made under contract. There is no reference in the bill anywhere to any periodical payments which must be made to the United States. I submit this thought: Who is going to pay anything in excess of what he has to pay?

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Nevada.

The amendment was agreed to.

Mr. DOUGLAS of Arizona. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment by Mr. DOUGLAS of Arizona: Page 5, lines 6 to 21, inclusive, strike out section 4 (a) and insert in lieu thereof the following:

"SEC. 4. (a) No work shall be begun and no moneys expended on or in connection with the work or structure 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 Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming shall have approved, without condition, the Colorado River compact mentioned in section 12 hereof."

Mr. DOUGLAS of Arizona. Mr. Chairman, the purpose of this amendment is to make the bill effective when the seven-State compact which was authorized by the Congress in 1921 shall have been approved by the legislatures of the seven States.

The bill now provides that the act shall become effective when six of the seven States, through their legislatures, shall have approved the compact. I submit that to adopt the amendment is the only course which the House can pursue.

Let us see if there is in fact a six-State compact. The so-called six-State compact is nothing but a compact of exactly the same terms, saving article 11, as those contained in the seven-State compact. Now, let us see how many States are made parties to the seven-State compact. Article 2 of that compact defines the terms. It says:

The term "Colorado River Basin" shall mean the drainage area of the Colorado River system—

And so forth. It says:

The upper division means the States of Colorado, New Mexico, Arizona, and Wyoming—

And so forth. Bear in mind that those four States are named specifically. It says:

The term "lower division" means the States of Arizona, California, and Nevada.

I point out to members of the committee that by the very terms used in article 2 of the compact Arizona is made a party to it and named as a party specifically. Arizona is further named as a party to the compact in the definition of the lower basin. The next article allocates waters between divisions and between basins. The effect of the compact is this, to divide the seven States into an upper basin and a lower basin.

Four States are specifically named as included in the upper basin, and three States are just as specifically named as within the lower basin, and Arizona is one of them in the lower basin. The compact therefore allocates waters between these two groups of the seven States.

How, by simply waiving the provisions of article 11 of the compact, which makes the compact effective when ratified by all the legislatures of the States and this Congress or any State legislature, can you eliminate the State of Arizona from the terms of the compact? If the Congress attempts to do so, or if other State legislatures attempt to do so, they would be following a course which would be very similar to this example. Let us assume that there are seven men who have an undivided interest in a piece of real estate. Four of those men get together, and three of those men get together. All seven of them are named specifically in a contract to divide the undivided interest and to divide the undivided interest between two groups, one of which shall be defined as consisting of four men named by name, and the other group being defined as consisting of three men named by name.

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

Mr. DOUGLAS of Arizona. I ask unanimous consent, Mr. Chairman, to proceed for two additional minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DOUGLAS of Arizona. Under what theory of law can six of those seven men wipe out the seventh, who has an undivided interest, and divide his interest? That case is absolutely similar to the one which is now before you, and I submit to this Congress that Congress has no right whatsoever to attempt to strike Arizona from the terms of the compact.

Not only that, but the Congress can not strike Arizona from the terms of the compact, and therefore there is no six-State compact, and the only action that this Congress can take is to ratify the only compact which exists, namely, the seven-State compact.

Mr. WHITE of Colorado. Mr. Chairman, I desire to offer an amendment to the amendment.

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

Mr. WHITE of Colorado. I propose to amend the amendment by adding thereto the following.

The Clerk read as follows:

Mr. WHITE of Colorado offers the following amendment to the amendment offered by Mr. DOUGLAS of Arizona: At the end of the Douglas amendment insert: "Or if, after one year from the passage of this act, said States shall fail to ratify the said compact, then if six of said States shall ratify said compact, including the State of California, and shall consent to waive the provisions of the first paragraph of article 11 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 conditions save that of said six States' approval, and the President by public proclamation shall have so declared."

Mr. HASTINGS. Mr. Chairman, may we have the other amendment rereported?

Mr. WHITE of Colorado. I would like to have my own amendment read in connection with the Douglas amendment, showing how the Douglas amendment would read when amended.

The CHAIRMAN. The Clerk will again report the Douglas amendment as it would read when amended by the White amendment.

The Clerk read as follows:

Amendment offered by Mr. DOUGLAS of Arizona as proposed to be amended by Mr. WHITE of Colorado: Page 5, lines 6 to 21, inclusive, strike out section 4 (a) and insert in lieu thereof the following:

"SEC. 4 (a). No work shall be begun and no moneys expended on or in connection with the work or structure 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 Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming shall have approved, without condition, the Colorado River compact, mentioned in section 12 hereof, or if, after one year from the passage of this act, the said States shall fail to ratify the said compact, then if six of said States shall ratify said compact, including the State of California, and shall consent to waive the provisions of the first paragraph of Article II 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 conditions, save that of said six States' approval, and the President by public proclamation shall have so declared."

Mr. WHITE of Colorado. Mr. Chairman, I would like to be recognized.

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

Mr. WHITE of Colorado. There is no question but that all of the States which constitute the Colorado River Basin earnestly desire Arizona to be a party to this compact. However, at least three of the upper States and one of the lower States, to wit, Nevada, feel it would be a grave injustice, should it be possible, as we believe it is, for Arizona to block this great constructive piece of legislation which is of such vital importance to the entire arid region.

If the amendment proposed by the gentleman from Arizona [Mr. DOUGLAS] should be adopted we have not advanced one step. The attitude of Arizona is unequivocally against this project, at least that is the attitude of the gentleman from Arizona [Mr. DOUGLAS] and I believe my colleague, the gentleman from Utah [Mr. LEATHERWOOD]. But be that as it may, efforts have been put forth earnestly for months and years to effect this Colorado River compact by the signatures and approval of the seven States. The truth is they are not as near together now as they were some weeks and months ago, for then there seemed to be a disposition to negotiate while now there is none.

When the Reclamation Committee, of which I am a member, agreed to defer the reporting of this bill to this House until the 15th of March, the several governors of the States that comprise this river basin were advised of that fact; and were earnestly requested by the committee, through its chairman, to negotiate and effect an agreement, to the end that there might be favorable legislation at this session, calling attention to the fact that a measure which passed some time ago that prohibits the Federal Power Commission from granting any permits for the construction of power plants upon the Colorado River expires March 4, 1929. Thereupon the Governor of Utah, who was the chairman of the governors' conference, took steps to call a meeting at Salt Lake City.

Governor Adams, of Colorado, wired he could not attend because of the strike situation that then existed in his State. Thereupon the Governor of Wyoming and the Governor of New Mexico suggested that Denver would be more convenient, and it was agreed, Governor Dern consenting, that the meeting for further negotiations should be held at Denver. Governor Adams consented to it and a day was appointed for that purpose, but one or two days, two I think, before the reconvening of the governors was to take place the meeting was called off.

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

Mr. WHITE of Colorado. Mr. Chairman, I ask unanimous consent to proceed for two additional minutes.

The CHAIRMAN. Without objection it is so ordered.

There was no objection.

Mr. WHITE of Colorado. The Governor of Utah, Governor Dern, wired the other governors, including Governor Adams of my State, to the effect that there would be no meeting, as he had received word from the Governor of Arizona which indicated that there was no further probability at that time of effecting the compact or agreement.

Now, what is the situation as far as the upper basin and lower basin are concerned, and that is the dispute here? All parties, when they were negotiating, readily agreed that the upper basin of four States should be allotted a portion of this water and that the lower States should be allotted another portion. When that was done there should have been, in my judgment, a signing of this river compact. But not so, because Arizona took the position that she would not sign until there was an agreement between herself and California as to the quantity of water she would receive. What concern have the upper States with that? None whatever. The upper States are willing to negotiate among themselves and they alone are interested on that point. We contend that the lower States should agree among themselves and we are not concerned with that. [Applause.]

The CHAIRMAN. The time of the gentleman from Colorado has again expired.

Mr. SWING. Mr. Chairman, no one would be more pleased than myself to have Arizona come into this friendly family of States and ratify the Colorado River compact. It would be an object ardently to be desired, and would bring happiness, peace, and contentment from one end of the Colorado River Basin to the other. But such is not the intention of the State of Arizona, and it is not the desire of the gentleman who offers the amendment for a seven-State compact to bring about that condition. He himself while in the State legislature cast the deciding vote which kept Arizona out of the friendly family of States. We have given Arizona six years to decide whether she would come in or not. We have all done everything that was humanly possible to do to get her to ratify the compact and come into this friendly family of States.

Mr. WAINWRIGHT. Will the gentleman permit a question?

Mr. SWING. Yes.

Mr. WAINWRIGHT. The question which rather disturbs me, as a Representative from one of the States that is not involved in this compact, one of the sister States that is not directly interested, as to the ethics, we might say, or as to the propriety of the other sister States attempting to coerce Arizona into giving up any right she has.

Mr. SWING. We are not coercing her. If she stays out of the compact, she is not bound by the terms of the compact, and she retains all the rights she now possesses.

Mr. WAINWRIGHT. That is a different matter.

Mr. SWING. And she still has the benefit of the law of prior appropriation, and she still has the right to the beneficial use of any of the water she is able to put to use.

Mr. WAINWRIGHT. I am sure my friend from California will see the propriety of that question from the standpoint of the States that are outside of the seven States.

Mr. SWING. Yes, indeed.

As to the amendment to the amendment offered by my friend, the gentleman from Colorado [Mr. WHITE], Arizona has announced here openly and publicly that not only is she going to fight this bill on the floor of the House and in the Senate, but that as soon as it becomes a law she is going to take it to the Supreme Court. I want to call the attention of my good friend from Colorado to the fact that his amendment merely gives Arizona another year's delay before she must go to the Supreme Court. If she is determined to go to the Supreme Court let us have her go as soon as possible.

Mr. WHITE of Colorado. Will the gentleman yield for a question?

Mr. SWING. Yes.

Mr. WHITE of Colorado. Your bill as it stands provides that it shall not become effective until the six States ratify and confirm it. Now, no State can do that except through its legislative authority, and inasmuch as the legislature of none of these States, so far as I know, meets until next January, or rather, in December, a year will practically elapse. I am perfectly willing to make it shorter, but I would suggest that we should have embodied in the bill a length of time that will permit the States to ratify.

Mr. SWING. The legislatures meet next January. Every one of these six States named in our bill has ratified a six-State compact. True, subsequently Utah withdrew, but we have information which leads us to believe that there is a growing sentiment in the State of Utah to go back into the six-State compact, and if this bill is passed in its present form, this will save to these six States the benefits of the compact and also the work can go ahead promptly.

Either this work is an urgent need for flood control, on account of the grave menace in the lower Colorado River, or else we are out of court. If there is the menace we have said there is and that we believe there is and the danger the engineers declare there is, then why in the name of goodness should we tie up the works, after we have passed a law for the purpose of relieving the menace, for a full year before any action whatever can be taken?

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

Mr. SWING. I yield the floor.

Mr. LEATHERWOOD. I am just wondering about the source of the gentleman's information.

Mr. DOUGLAS of Arizona. Mr. Chairman, I rise to speak in opposition to the amendment to the amendment.

The gentleman apparently has assumed unto himself mind-reading qualities very few others have ever assumed. He can tell the House my motives, he can tell the House what my State wants, and I have no doubt, in fact I know, that his statement as to my motives and his statement as to the motives of my State are just as untrue as a good many of the other contentions he has made.

The gentleman has said that there is a six-State compact. There is not. The Congress and six States can not eliminate as a party who has any undivided interest in the waters of the Colorado that party from a contract which divides that undivided interest.

The gentleman has said I voted against the Colorado River compact. I did. And I submit this to the House. I did so in 1923 because no one knew anything about the compact and I said "it is unsound to sign a contract unless you know what you are signing."

The State of Arizona since then has been attempting to negotiate with California. It wants a compact with California before it signs the seven-State compact for this reason. It is in the same position with respect to California that the upper basin States are with respect to the lower-basin States. California can apply to beneficial use the waters of the Colorado infinitely faster than can Arizona. California's ratification of the compact was conditional upon the construction of a storage dam on the Colorado, the construction of which, by the nature of the topography of the country and of the appropriations in the act and the works to be constructed would give the waters of the Colorado, to California, and Arizona simply said to California, "You make an equitable agreement with us relative to an allocation of water between us and also give us a right to tax power which is to be developed by the use of the fall within our State, and of our undivided interest in the Colorado, which power you are going to use in your State to increase the industries of your State, to increase the taxable wealth of your State, and then we will sign the Colorado River compact."

California refused to accept the terms of the arbitration of the governors in Denver. Arizona accepted them; and I submit to the House that the imputations as to the motives of Arizona are unfair and unjustifiable.

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

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

I have here in my hand an editorial from the Reno (Nev.) Evening Gazette of Thursday, April 26, which states as follows:

From the time that Arizona refused to ratify the Santa Fe seven-State compact its representatives have adhered in general to the principle that any dam and reservoir built upon the Colorado River should be located wholly within Arizona. Nevada refused to join with Arizona in this demand.

The State of Arizona also has vigorously opposed development by the Government. On the other hand, it has insisted that such development should be made by private capital wholly within its borders in order that it, exclusively, might tax the new property values so created. However, it agreed to accept Government development upon condition that it is given a large share of the power revenues, and to the latter the Nevada commission agreed, provided Nevada is given as large a share of such revenues as Arizona. To this extent Nevada joined hands with the Arizona commissioners. The Nevada commissioners, however, considered the revenues demanded by Arizona as being unreasonable and gave their approval to payments to each of the two States of 18¾ per cent annually of the net profits earned during the amortization period.

Arizona also demanded that the Swing-Johnson bill place a definite limit upon the amount of the river's waters that could be used in the future by California. Nevada agreed to this proposal, and after California scaled down her water demands to a reasonable amount Nevada accepted them as being the best compromise obtainable. Arizona refused to agree upon the amount specified.

Both Nevada and Arizona agreed that each of the lower basin States and their municipalities should be given the right to purchase the power developed at the switchboard.

Finally the pending bill was amended to meet every substantial demand made by this State, and the California delegation agreed to support it in its amended form. Arizona, however, insisted upon still greater concessions, and then Nevada refused to travel further with its commission and its congressional delegation.

Arizona is now fighting the Swing-Johnson bill. Nevada is supporting it.

Mr. LEA. To withhold action until Arizona signs the seven-State compact would give her the power to impose any condition she saw fit on California as a condition of her compliance. It would give her the power to impose whatever charges she might see fit as taxes on California for a Federal improvement.

I call the attention of the House to the fact that Arizona has received over $21,000,000 more than she has contributed to the reclamation fund of the United States for building power dams and reclamation projects on which she is required to pay no interest and no taxes. The Government has so built three or four dams in Arizona. California has contributed over $8,500,000 to the reclamation fund in excess of what she has used. That is part of the tax-free money that the Government has loaned Arizona interest free.

The Coolidge Dam is now being constructed in Arizona tax free and interest free at a cost of over $11,000,000. That will make over $32,000,000 that Arizona has received tax free. Now, when a similar development is proposed that may be of some advantage to her sister State she loudly proclaims a violation of State rights. California is not asking for free money. She offers contracts to pay principal and interest. Arizona, enjoying her tax-free and interest-free money, demands a tax on this Federal development because, perhaps, her sister States may enjoy some benefit from it. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado [Mr. WHITE] to the amendment of the gentleman from Arizona.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from Arizona [Mr. DOUGLAS].

The question was taken; and on a division (demanded by Mr. DOUGLAS of Arizona) there were 21 ayes and 50 noes.

So the amendment was rejected.

Mr. MOORE of Virginia. Mr. Chairman, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. MOORE of Virginia: At the end of the committee amendment offered by the gentleman from Nevada [Mr. ARENTZ] insert: "The conclusion and determination of the Secretary of the Interior shall be subject to the President's sanction and approval."

Mr. SWING. Mr. Chairman, I move that all debate on this section and all amendments thereto close in five minutes.

Mr. DOUGLAS of Arizona. Mr. Chairman, for the last 15 minutes the gentleman from Utah [Mr. LEATHERWOOD] has been

trying to offer an amendment. It is a very sound amendment, and I believe he is entitled to have it considered.

Mr. SWING. I will withdraw my motion, Mr. Chairman.

Mr. MOORE of Virginia. I will withhold my amendment, Mr. Chairman.

Mr. LEATHERWOOD. At last Mr. Chairman, I desire to offer an amendment which has been at the Clerk's desk for 15 minutes.

The Clerk read as follows:

Page 5, in line 24, after the word "contract," strike out the words "or otherwise."

Mr. SWING. Mr. Chairman, I am willing to accept that amendment.

Mr. LEATHERWOOD. I understood the gentleman to say yesterday that he would accept the amendment.

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

Mr. SWING. Now, Mr. Chairman, I renew my motion that all debate on the section and all amendments thereto close in five minutes.

The CHAIRMAN. The question is on the motion of the gentleman from California.

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

Mr. WINTER. Mr. Chairman, may be have the amendment offered by the gentleman from Virginia reported again?

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk reported the Moore amendment.

Mr. MOORE of Virginia. Mr. Chairman, just a word or two on this amendment. We are dealing with subsection (b) of section 4 of the bill. That subsection is extremely important. It provides that the Secretary of the Interior, in advance of going forward, shall feel assured that he has contracts which will produce sufficient revenue to protect the Government in the payment of interest and in the payment within 50 years of the principal. The importance of that requirement can not be exaggerated. As the section now reads the conclusion and determination of the Secretary of the Interior about the sufficiency of the contracts is to be final. I am convinced we should adopt the amendment which I have offered, which will place the final responsibility and leave the final word with the President, and that is simply in line with the amendment which I offered a while ago and which was adopted.

I do not believe—and, of course, I am not casting reflection upon any official—that it is a safe thing to intrust to a single official such very extensive authority as is given the Secretary of the Interior here without any check upon him whatever. Ours is a government of checks, and what I propose is that the Secretary shall be checked by the supervision of the President himself.

Mr. SWING. Of course, there is a check by the Committee on Appropriations of the House, and the Committee on Appropriations, I think the gentleman may rest assured, will not appropriate any money unless they are satisfied it should be appropriated. I think they will be much more vigorous in their supervision of the Secretary in the matter of his contracts than the President would be.

Mr. MOORE of Virginia. But even so, the Secretary has to determine that he has found a satisfactory basis with reference to this extremely important financial feature of the entire transaction. I think his opinion ought to be subject to the sanction of the President.

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

Mr. MOORE of Virginia. Yes.

Mr. CRAMTON. I take it that the gentleman's amendment heretofore adopted, and the one pending giving the last word to the President, is in part based upon the probability that when this comes up for consideration there will be in the White House a very eminent engineer and successful business man?

Mr. MOORE of Virginia. I would not make any such violent assumption as that, but whoever may be in the White House I may remind you that we have had some experiences, and I am not going to talk about them now, which should persuade us that it is unsafe to leave to any officer, even though occupying a Cabinet position, discretion to do what he pleases without reference at all to his chief. The bill as it stands is drawn in that way and should be amended.

Mr. ADKINS. Does the gentleman not believe as a matter of practical administration that the President would be apt to O. K. what one of his Cabinet officers presented to him?

Mr. MOORE of Virginia. I think we ought to express his obligation as final authority in the legislation. That will make for safety at every stage of the business.

Mr. SMITH. Mr. Chairman, the committee will accept the amendment.

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

The question was taken; and on a division (demanded by Mr. LAGUARDIA) there were—ayes 57, noes 5.

So the amendment was agreed to.

Mr. MORTON D. HULL. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. MORTON D. HULL: At the end of section 4, as amended, insert the following: "Such contract or contracts shall provide that in case the total cost of the project provided for by this act exceeds $125,000,000, the rates to be charged for power generated at said dam shall be correspondingly increased."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. DOUGLAS of Arizona) there were—ayes 13, noes 47.

So the amendment was rejected.

The Clerk read as follows:

SEC. 5. That the Secretary of the Interior is hereby authorized, under such general regulations as he may prescribe, to contract for the storage of water in said reservoir and for the delivery thereof at such points on the river and on said canal as may be agreed upon, for irrigation and domestic uses, and delivery at the switchboard to municipal corporations, political subdivisions, and private corporations of electrical energy generated at said dam, upon charges that will provide revenue which, in addition to other revenue accruing under the reclamation law and under this act, will in his judgment cover all expenses of operation and maintenance incurred by the United States on account of works constructed under this act and the payments to the United States under subdivision (b) of section 4. Contracts respecting water for irrigation and domestic uses shall be for permanent service. No person shall have or be entitled to have the use for any purpose of the water stored as aforesaid except by contract made as herein stated.

After the repayments to the United States of all money advanced with interest, charges shall be on such basis and the revenues derived therefrom shall be disposed of as may hereafter be prescribed by the Congress.

General and uniform regulations shall be prescribed by the said Secretary for the awarding of contracts for the sale and delivery of electrical energy, and for renewals under subdivision (b) of this section, and in making such contracts the following shall govern:

(a) No contract for electrical energy shall be of longer duration than 50 years from the date at which such energy is ready for delivery.

(b) The holder of any contract for electrical energy, not in default thereunder, shall be entitled to a renewal thereof upon such terms and conditions as may be authorized or required under the then existing laws and regulations, unless the property of such holder dependent for its usefulness on a continuation of the contract be purchased or acquired and such holder be compensated for damages to its property, used and useful in the transmission and distribution of such electrical energy and not taken, resulting from the termination of the supply.

(c) Contracts for the sale and delivery of electrical energy shall be made with responsible applicants therefor who will pay the price fixed by the said Secretary with a view to meeting the revenue requirements of the project as herein provided for. In case of conflicting applications, if any, such conflicts shall be resolved by the said Secretary, after hearing, with due regard to the public interest, and in conformity with the policy expressed in the Federal water power act as to conflicting applications for permits and license: *Provided, however,* That no application of a political subdivision for an allocation of electrical energy shall be denied or another application in conflict therewith be granted on the ground that the bond issue of such political subdivision, necessary to enable the applicant to utilize the electrical energy applied for, has not been authorized or marketed, until after a reasonable time, to be determined by the said Secretary, has been given to such applicant to have such bond issue authorized and marketed.

(d) Any agency receiving a contract for electrical energy equivalent to 100,000 firm horsepower, or more, may, when deemed feasible by the said Secretary, from engineering and economic considerations and under general regulations prescribed by him, be required to permit other similar agency having contracts hereunder for less than the equivalent of 25,000 firm horsepower to participate in the benefits and use of any main transmission line constructed by the former for carrying such energy (not exceeding, however, one-fourth the capacity of such line), upon payment by such other agencies of a reasonable share of the cost of construction, operation, and maintenance thereof.

The use is hereby authorized of such public and reserved lands of the United States as the said Secretary shall determine to be necessary or convenient for the construction, operation, and maintenance of main transmission lines to transmit said electrical energy.

With the following committee amendment:

Page 6, in line 13, strike out the word "and"; and after the word "corporations" insert "and persons."

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

The committee amendment was agreed to.

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

The Clerk read as follows:

Committee amendment offered by Mr. ARENTZ: On page 8, line 7, after the word "license," insert "except that preference to applicants for the use of water and appurtenant works and privileges necessary for the generation and distribution of hydroelectric energy, or for delivery at the switchboard of the hydroelectric plant, shall be given, first, to a State for the generation and purchase of electric energy for use in the State, and the States of Arizona, California, and Nevada shall be given equal opportunity as applicants: *Provided, however.*"

Mr. ARENTZ. Mr. Chairman, this is merely giving a right to the States of Arizona, California, and Nevada that they are entitled to. It is not necessary to explain the amendment, because it is perfectly clear.

Mr. LAGUARDIA. Mr. Chairman, I have an amendment to the amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA to the committee amendment offered by Mr. ARENTZ: After the word "State" in the committee amendment insert "or any legal subdivision thereof."

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

The amendment to the amendment was agreed to.

The CHAIRMAN. The question now recurs on the amendment as amended.

The amendment was agreed to.

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

The Clerk read as follows:

Amendment offered by Mr. HOCH: Page 9, line 3, insert a new paragraph, as follows:

"(e) Every contract for electrical energy shall provide that the holder of such contract shall guarantee that in any resale of such energy to the consumers thereof the rates shall not exceed what is fair, just, and reasonable, as determined by the Federal Power Commission."

Mr. HOCH. The purpose of the amendment is to provide that the consumers shall not be charged an unfair rate. The bill as it is written provides for no regulation of rates, and the amendment is simply to require that the contractors for this electrical energy shall guarantee in their contracts that in any resale of power to the consumer the electrical energy shall be furnished at a reasonable rate such as may be decided upon by the Federal Power Commission.

Mr. SWING. Is that the same amendment as was mentioned by the gentleman?

Mr. HOCH. It is the same.

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

Mr. HOCH. Yes.

Mr. LEATHERWOOD. Does it in any way interfere with the rights of the public utilities commissions of the States to take care of this matter?

Mr. HOCH. It provides that in the sale of power the ultimate consumer shall secure the benefit of cheap power.

Mr. LEATHERWOOD. Does my friend from Kansas propose that the Congress shall go into the States and by such legislation regulate the powers of the State utility commissions?

Mr. HOCH. It provides that the power shall be sold for the benefit of the ultimate consumer and not for the benefit of the concerns exploiting it.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Kansas.

The amendment was agreed to.

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

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

The Clerk read as follows:

Amendment offered by Mr. TABER: Page 6, line 24, after the word "stated," insert "*Provided, however,* That no water shall be sold or furnished for irrigation purposes to any land not now being irrigated, unless Congress by future action shall so provide."

The CHAIRMAN. The gentleman from New York is recognized.

Mr. TABER. Mr. Chairman and members of the committee, the only lobby I have seen on this bill has been the lobby in favor of it. It has been persistent and irritating right straight through from the beginning. [Applause.]

This bill proposes to irrigate 500,000 additional acres of land that is not now being irrigated, and the land is so highly productive that it will very materially work to the injury of agriculture through the competition it will involve.

They talk about bills to improve the agricultural situation, and then they bring in here bills which are designed to hurt the agricultural situation; bills which will make the situation a great deal worse than it is now.

Is it not about time that those Members representing agricultural interests and who have the interests of agriculture at heart shall put a brake on this type of legislation and decide that the Government shall not, by the expenditure of the taxpayer's money, try to make worse and worse the agricultural situation? [Applause.]

The object of my amendment is to put a stop to that. There are other matters in this bill concerning which I have an opinion, but it seems to me that as to this particular amendment, unless we are opposed to the welfare of agriculture, we should adopt this amendment. [Applause.]

Mr. SMITH. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New York [Mr. TABER]. There is absolutely nothing in this bill providing for the irrigation of additional land. The gentleman from New York is entirely mistaken when he makes that assertion. It is proposed to store water which at some time will be available for the irrigation of additional land, but Congress will have to authorize the appropriations for the construction of works to irrigate those lands. The amendment proposed by the gentleman does not avail anything nor change existing law.

Mr. TABER. Does the gentleman mean to say that this bill does not authorize contracts to be made for the supply of water for irrigation and the control of water for irrigating purposes?

Mr. SMITH. The bill authorizes the construction of an all-American canal to carry water to Imperial Valley lands already under cultivation in place of the canal in Mexico, but it does not authorize any appropriation for putting water on new land.

Mr. DOUGLAS of Arizona. How many acres are under cultivation in the Imperial Valley irrigation district?

Mr. SMITH. About 400,000 acres.

Mr. DOUGLAS of Arizona. I understand it is 390,000 acres.

Mr. SMITH. It is about 400,000 acres, I am advised.

Mr. DOUGLAS of Arizona. How many acres all together are included in the irrigation district?

Mr. SMITH. Probably 600,000 acres.

Mr. DOUGLAS of Arizona. The water is to be delivered to privately owned land, to which distributing systems are already constructed to 200,000 acres of privately owned land, and there are further irrigation projects in contemplation now.

Mr. TABER. If the construction of the gentleman from Idaho concerning the meaning of the bill in that particular is correct, he will support my amendment.

Mr. SMITH. You can not appropriate money for additional irrigation works without express authority from Congress.

Mr. LEATHERWOOD. Then what is the all-American canal in here for—a plaything?

Mr. SMITH. No. It is to provide water for land in the Imperial Valley, now supplied by the canal in Mexico, and for new land which may eventually be brought under irrigation.

Mr. MONTAGUE. But it will open the way for future appropriations, will it not? Further plans can not be carried out without subsequent appropriations?

Mr. SMITH. No.

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

Mr. SMITH. Yes.

Mr. WOODRUFF. Is not the all-American canal put through for the purpose of supplying water to farms now existing, and to give those people a means whereby they can get the water without going to Mexico for it?

Mr. SMITH. Exactly so.

Mr. TABER. There is no such provision in the bill.

Mr. DOUGLAS of Arizona. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Arizona is recognized.

Mr. DOUGLAS of Arizona. Mr. Chairman, I do not like to take the time of the House, but I think the House should be told exactly what the facts are.

It is true there is no specific appropriation in the act to bring under irrigation any public land. There are in the Imperial irrigation district 515,000 acres of land privately owned; of that, 390,000 acres are under cultivation. Distributing systems have already been constructed to the entire 515,000 acres. The construction of the all-American canal or the stabilization

of the flow of the Colorado River and the diversion of its flow through either the existing canal from the Colorado River to the Imperial irrigation district or through the all-American canal, will permit the application of water to that additional 125,000 acres of land, so that under the terms of this act there will be brought under cultivation approximately 125,000 acres of land in the United States and at least 600,000 acres of land in Mexico.

Mr. SMITH. But the gentleman will admit that before action can be taken in that regard authority must be obtained from Congress and appropriations made.

Mr. DOUGLAS of Arizona. No; distribution works have already been constructed by the district itself.

Mr. SCHAFER. Will the gentleman yield?

Mr. DOUGLAS of Arizona. Yes.

Mr. SCHAFER. Irrigation has made Arizona, and since Arizona has been made by irrigation the gentleman does not want to extend any more irrigation projects.

Mr. DOUGLAS of Arizona. That is not true, sir. I am merely stating to the House that there will be additional lands brought under cultivation as the result of this legislation. I will say to the gentleman, with reference to irrigation and any extension of irrigation, that I am opposed to it, because I think the irrigation policy has gone far enough until agricultural conditions warrant the bringing in of additional land. [Applause.]

Mr. SCHAFER. Is the gentleman oposed to the extension of irrigation in Arizona?

Mr. DOUGLAS of Arizona. I am.

Mr. CRAMTON. If the gentleman will permit, he is familiar with the conditions of agriculture in Arizona and Southern California and, I take it, also familiar with the conditions of agriculture in New York and Michigan, and he will admit that the bringing of land under cultivation in Arizona and Southern California means the very minimum of competition with the products of Michigan and New York, because what they produce will be at a time of the year and of a kind that would mean very little of competition with the North and East.

Mr. DOUGLAS of Arizona. To a certain extent it is true that a great many of the crops that are grown in Arizona and Southern California are not competitive with the crops in Michigan and New York, but——

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

Mr. SWING. Mr. Chairman, I move that all debate on this section, and all amendments thereto, do now close.

The motion was agreed to.

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

The question was taken; and on a division (demanded by Mr. TABER) there were—ayes 26, noes 44.

So the amendment was rejected.

Mr. ARENTZ. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The gentleman from Nevada offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment offered by Mr. ARENTZ: On page 8, in line 8, after the word "a," insert "State or a."

The committee amendment was agreed to.

The Clerk read as follows:

SEC. 6. That the dam and reservoir provided for by section 1 hereof shall be used: First, for river regulation and flood control; second, for irrigation and domestic uses and satisfaction of present perfected rights in pursuance of Article VIII of said Colorado River compact; and third, for power. The title to said dam, reservoir, plant, and incidental works shall forever remain in the United States, and the United States shall always control, manage, and operate the same: *Provided, however,* That the Secretary of the Interior may, in his discretion, enter into contracts of lease of a unit or units of said plant, with right to generate electrical energy, or, alternatively, to enter into contracts of lease for the use of water for the generation of electrical energy, within a State which has approved said Colorado River compact, in either of which events the provisions of section 5 of this act relating to revenue, term, renewals, determination of conflicting applications, and joint use of transmission lines under contracts for the sale of electrical energy, shall apply.

The Secretary of the Interior shall prescribe and enforce rules and regulations conforming with the requirements of the Federal water power act, so far as applicable, respecting maintenance of works in condition of repair adequate for their efficient operation, maintenance of a system of accounting, control of rates and service in the absence of State regulation or interstate agreement, valuation for rate-making purposes, transfers of contracts, contracts extending beyond the lease period, expropriation of excessive profits, emergency use by the United States of property of lessees, and penalties for enforcing regulations made under this act or penalizing failures to comply with such regulations or with the provisions of this act.

With the following committee amendments:

On page 9, line 10, after the word "regulation," insert "improvement of navigation."

Page 9, line 16, strike out the word "always" and insert in lieu thereof the words "until otherwise provided by Congress."

Page 10, line 6, after the word "act," strike out the words "so far as applicable" and insert in lieu thereof the words "together with the rules and regulations of the Federal Power Commission thereunder."

Page 10, line 18, after the word "act," insert "He shall also conform with other provisions of the Federal water power act and of the rules and regulations of the Federal Power Commission which have been devised or which may be hereafter devised for the protection of the investor and consumer.

The committee amendments were agreed to.

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

Mr. SMITH. Mr. Chairman, I move that the committee do now rise.

Mr. DAVENPORT. Mr. Chairman, I have several amendments which I desire to offer to this section of the bill.

Mr. LEATHERWOOD. Mr. Chairman, I am informed by the gentlemen in charge of the bill that they want to move that the committee rise. Without losing my right to speak on this paragraph when we go into the committee again, I yield.

The CHAIRMAN. The gentleman is entitled to recognition when the committee again considers this bill.

Mr. DAVENPORT. Mr. Chairman, I ask unanimous consent that the amendments I desire to offer be printed in the RECORD for the information of the Members of the House.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the amendments which he desires to offer be printed in the RECORD for the information of the House. Without objection, it is so ordered.

There was no objection.

The amendments referred to are as follows:

Mr. DAVENPORT offers the following amendment (to H. R. 5773): Page 9, section 6, line 21, strike out the words "or alternatively, to enter into contracts of lease for the use of water for the generation of electrical energy."

Mr. DAVENPORT offers the following amendment (to H. R. 5773): Page 9, section 6, line 24, after the word "compact," insert the words "on condition that if two or more such contracts be entered into, provision shall be made for operation of the plant under a joint agreement upon terms approved by the Secretary of the Interior for the purpose of providing for the most economical utilization of the available energy."

Mr. DAVENPORT offers the following amendment (to H. R. 5773): Page 9, section 6, line 23, strike out the words "in either of which events" and insert in lieu thereof the following: "in case of the execution of such contracts."

Mr. DAVENPORT offers the following amendment (to H. R. 5773): Page 10, section 6, line 3, after the words "shall apply," insert new paragraphs as follows:

"As a condition to the lease of the said plant or any unit or units thereof, and as a condition to the sale of electrical energy therefrom, every lessee and every purchaser, if the United States operates the plant, shall agree that the property of such lessee or purchaser, used and useful in connection therewith, shall be valued, whether by the agencies of the States or of the United States, and whether for regulation of rates or for taxation or for State or municipal acquisition and use, at its fair value, not to exceed the net investment of the said lessee or purchaser, and said net investment shall be ascertained in accordance with the provisions of the Federal water power act and the regulations of the Federal Power Commission.

"Every lease and every contract for the sale of power shall provide that the resale price thereof, with the transformation, transmission, and distribution of such energy, extending to sale to the ultimate consumer, shall be subject to the regulation and control of said Federal Power Commission or of the appropriate authorities of any State or States in which such power is transmitted, distributed, sold, or used, according to the respective jurisdictions of the said Federal Power Commission or said State authority, as provided in sections 19 and/or 20 of the Federal water power act."

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 had 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, and had come to no resolution thereon.

SENATE BILLS AND JOINT RESOLUTION REFERRED

Bills of the following titles were taken from the Speaker's table and, under the rule, referred to the appropriate committees, as follows:

S. 1965. An act to authorize the appointment of a district judge for the northern district of Mississippi; to the Committee on the Judiciary.

S. 2372. An act to amend section 201, subdivision (1), of the World War veterans' act, 1924, as amended; to the Committee on World War Veterans' Legislation.

S. 2751. An act to amend section 213, act of March 4, 1909 (Criminal Code, title 18, sec. 336, U. S. C.), affixing penalties for use of mails in connection with fraudulent devices and lottery paraphernalia; to the Committee on the Judiciary.

S. 4148. An act authorizing and directing the Secretary of War to grant certain land to the city of St. Paul, State of Minnesota; to the Committee on Military Affairs.

S. 4465. 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., to the Committee on Interstate and Foreign Commerce.

S. 4503. An act authorizing the Secretary of War to convey the Fort Griswald tract to the State of Connecticut; to the Committee on Military Affairs.

S. J. Res. 142. Joint resolution authorizing the erection of a Federal reserve-bank building in the city of Los Angeles, Calif.; to the Committee on Banking and Currency.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, announced that they had examined and found truly enrolled bills and joint resolutions of the following titles, when the Speaker signed the same:

H. R. 1406. An act granting six months' pay to Lucy B. Knox;

H. R. 1616. An act for the relief of Carl C. Back;

H. R. 1931. An act for the relief of Daniel Mangan;

H. R. 1951. An act granting six months' pay to Frank A. Grab;

H. R. 2272. An act for the relief of William Morin;

H. R. 2472. An act for the relief of Emile Genireux;

H. R. 2477. An act for the relief of Joseph S. Carroll;

H. R. 2494. An act granting six months' pay to Vincentia V. Irwin;

H. R. 2657. An act for the relief of Thomas Huggins;

H. R. 3971. An act for the relief of the owners of the schooner *William Melbourne;*

H. R. 4652. An act for the relief of Charlie R. Pate;

H. R. 4926. An act for the relief of the Pocahontas Fuel Co. (Inc.);

H. R. 4954. An act for the relief of Thomas Purdell;

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

H. R. 5910. An act for the relief of Ralph Ole Wright and Varina Belle Wright;

H. R. 6049. An act to amend an act to authorize the Secretary of War and the Secretary of the Navy to make certain disposition of condemned ordnance, guns, projectiles, and other condemned material in their respective departments;

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

H. R. 7268. An act for the relief of John Hervey;

H. R. 7708. An act for the relief of John M. Brown;

H. R. 8742. An act to authorize the Secretary of War to convey to the city of Baton Rouge, La., a portion of the Baton Rouge National Cemetery for use as a public Street;

H. R. 9380. An act for the relief of Frank E. Shults;

H. R. 10649. An act providing for the transfer of a portion of the military reservation known as Camp Sherman, Ohio, to the Department of Justice;

H. R. 10702. An act for the relief of Elbert L. Cox;

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

H. R. 11917. An act granting the consent of Congress to the county of Cook, State of Illinois, to widen, maintain, and operate the existing bridge across the Little Calumet River in Cook County, State of Illinois;

H. R. 11950. An act to legalize a pier and wharf in Deer Island thoroughfare on the northerly side at the southeast end of Buckmaster Neck at the town of Stonington, Me.;

H. R. 11978. An act granting six months' pay to Alexander Gingras, father of Louis W. Gingras, deceased private, United States Marine Corps, in active service;

H. R. 11980. An act granting the consent of Congress to the Fisher Lumber Corporation to construct, maintain, and operate a railroad bridge across the Tensas River in Louisiana;

H. R. 12031. An act to extend the times for commencing and completing the construction of a bridge across the Rio Grande River at or near a point 2 miles south of the town of Tornillo, Tex.;

H. R. 12038. An act to authorize the acquisition of certain patented land adjoining the Yosemite National Park boundary by exchange, and for other purposes;

H. R. 12063. An act for the relief of the widow of Surg. Mervin W. Glover, United States Public Health Service, deceased;

H. R. 12100. An act to amend the act entitled "An act granting the consent of Congress to the Gateway Bridge Co. for construction of a bridge across the Rio Grande between Brownsville, Tex., and Matamoros, Mexico," approved February 26, 1926;

H. R. 12235. An act authorizing B. F. Peek, G. A. Shallberg, and C. I. Josephson, of Moline, Ill.; J. W. Bettendorf, A. J. Russell, and J. L. Hecht, of Bettendorf and Davenport, Iowa, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Tenth Street in Bettendorf, State of Iowa;

H. R. 12571. 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 Iuka, Ky.;

H. R. 12623. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a free highway bridge across the Sabine River at or near Starks, La.;

H. R. 12624. An act to amend section 17 of the act of June 10, 1922, entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," as amended;

H. R. 12694. An act authorizing the Secretary of the Navy to provide an escort for the bodies of deceased officers, enlisted men, and nurses;

H. R. 12706. An act for the relief of the town of Springdale, Utah;

H. R. 12806. An act authorizing J. H. Harvel, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across New River at or near McCreery, Raleigh County, W. Va.;

H. R. 12894. An act granting the consent of Congress to the board of county commissioners of Trumbull County, Ohio, to construct a free overhead viaduct across the Mahoning River at Niles, Trumbull County, Ohio;

H. R. 12913. An act to extend the times for commencing and completing the construction of a bridge across the Allegheny River at or near the Borough of Eldred, McKean County, Pa.;

H. R. 12953. An act to authorize the Board of Managers of the National Home for Disabled Volunteer Soldiers to accept title to the State camp for veterans at Bath, N. Y.;

H. R. 13069. An act granting the consent of Congress to the State of Minnesota, to construct, maintain, and operate a free highway bridge across the Mississippi River at or near Aitkin, Minn.;

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. 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. 13481. An act granting the consent of Congress to the Alabama State Bridge Corporation to construct, maintain, and operate bridges across the Tennessee, Tombigbee, Warrior, Alabama, and Coosa Rivers, within the State of Alabama;

H. J. Res. 47. An act for the relief of Mary M. Tilghman, former widow of Sergt. Frederick Coleman, deceased, United States Marine Corps;

H. J. Res. 77. An act 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; and

H. J. Res. 292. An act authorizing the President to invite the States of the Union and foreign countries to participate in the International Petroleum Exposition at Tulsa, Okla., to begin October 20, 1928.

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 3752. An act to amend section 3 of an act entitled "An act authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes," approved March 12, 1926.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States for his approval bills of the following titles:

H. R. 2808. An act for the relief of Ella G. Richter, daughter of Henry W. Richter;

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.;

H. R. 5898. An act to authorize certain officers of the United States Army, Navy, and Marine Corps to accept such decorations, orders, and medals as have been tendered them by foreign governments in appreciation of services rendered;

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

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.;

H. R. 10014. An act for the relief of A. F. Gallagher;

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;

H. R. 12676. An act to amend section 2 of the act approved February 14, 1926, granting the consent of Congress for the construction of a bridge across Red River at or near Fulton, Ark.;

H. R. 12677. An act to amend section 2 of an act approved March 12, 1928, granting the consent of Congress for the construction of a bridge across the Ouachita River at or near Calion, Ark.; and

H. R. 13342. An act to authorize a per capita payment to the Pine Ridge Sioux Indians of South Dakota.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

A message from the President of the United States was presented to the House of Representatives by Mr. Latta, one of his secretaries, who also announced that on the following dates the President approved and signed bills and joint resolutions of the House of the following titles:

On May 18, 1928:

H. R. 15. An act authorizing an appropriation to enable the Secretary of the Interior to carry out the provisions of the act of May 26, 1926 (44 Stat. L. 655), to make additions to the Absaroka and Gallatin National Forests, and to improve and extend the winter-feed facilities of the elk, antelope, and other game animals of Yellowstone National Park and adjacent land;

On May 21, 1928:

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

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

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

H. R. 5695. An act authorizing the Secretary of the Interior to equitably adjust disputes and claims of settlers and others against the United States and between each other arising from incomplete or faulty surveys in township 19 south, range 26 east, Tallahassee meridian, Lake County, in the State of Florida;

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

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

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

H. R. 7946. An act to repeal an act entitled "An act to extend the provisions of the homestead laws to certain lands in the Yellowstone forest reserve," approved March 15, 1906;

H. R. 8001. An act conferring jurisdiction upon certain courts of the United States to hear and determine the claim by the owner of the steamship *City of Beaumont* against the United States, and for other purposes;

H. R. 8110. An act withdrawing from entry the northwest quarter section 12, township 30 north, range 19 east, Montana meridian;

H. R. 8126. An act to repeal the sixty-first proviso of section 6 and the last proviso of section 7 of "An act to establish the Mount McKinley National Park, in the Territory of Alaska," approved February 26, 1917;

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

H. R. 9112. An act for the relief of William Roderick Dorsey and other officers of the Foreign Service of the United States, who, while serving abroad, suffered by theft, robbery, fire, embezzlement, or bank failures losses of official funds;

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

H. R. 9411. An act for the relief of Maurice P. Dunlap;

H. R. 9568. An act to authorize the purchase at private sale of a tract of land in Louisiana, and for other purposes;

H. R. 11133. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1929, and for other purposes;

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

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

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

H. R. 12286. An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1929, and for other purposes; and

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

On May 22, 1928:

H. R. 457. An act to create a board of local inspectors, Steamboat Inspection Service, at Hoquiam, Wash.;

H. R. 2473. An act for the relief of Louie June;

H. R. 3470. An act granting relief to Havert S. Sealy and Porteus R. Burke;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

On May 23, 1928:

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

H. R. 6104. An act to amend sections 57 and 61 of the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909.

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

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

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

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

H. R. 10159. An act granting pensions and increase of pensions to widows and former widows of certain soldiers, sailors, and marines of the Civil War, and for other purposes;

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

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

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

H. R. 11479. An act to reserve certain lands on the public domain in Valencia County, N. Mex., for the use and benefit of the Acoma Pueblo Indians; and

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.

On May 24, 1928:

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. 971. An act for the relief of James K. P. Welch;

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

H. R. 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 near Randolph, Mo.;

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

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

PERMISSION TO ADDRESS THE HOUSE

Mr. WHITE of Colorado. Mr. Speaker, I ask unanimous consent that I may be permitted to address the House for 15 minutes to-morrow morning after the reading of the Journal and the disposition of matters on the Speaker's desk.

Mr. SWING. At what time?

The SPEAKER. The gentleman from Colorado asks unanimous consent that to-morrow morning after the reading of the Journal and the disposition of matters on the Speaker's table, he may be permitted to address the House for 15 minutes. Is there objection?

Mr. SWING. May I ask the gentleman to defer his request until the conclusion of the consideration of the Boulder Dam bill?

Mr. RANKIN. Perhaps that is what the gentleman wants to speak on.

Mr. WHITE of Colorado. No.

Mr. SWING. Reserving the right to object, I will ask the gentleman if he will not delay it until a little later.

Mr. WHITE of Colorado. Why, of course I will, if that is the wish of the gentleman.

The SPEAKER. The gentleman withdraws his request.

DISABLED EMERGENCY OFFICERS' BILL

Mr. WOODRUFF. Mr. Speaker, I wish to announce that this afternoon during consideration of the presidential veto of the Tyson-Fitzgerald bill, I was unavoidably absent from the House. I wish to say that if I had been here I would have voted to sustain the President. [Applause.]

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

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

There was no objection.

Mr. RAMSEYER. Mr. Speaker, this afternoon from 1 o'clock until 3 o'clock, I was in conference on the postal rates bill in the Post Office Committee room of the Senate at the other end of the Capitol. When I left here at 1 o'clock, after talking with the leaders of the House, I had no reason to suppose that anything would be considered in the House during the afternoon except the Boulder Dam bill. While we were in session there considering the postal rates bill, the House suddenly decided, and without previous notice, to consider the President's veto on the Tyson-Fitzgerald bill and, as the Constitution provides, there was a roll call to override the President's veto. I had previously expressed my views in the Rules Committee and to my colleagues and to some of my constituents in opposition to this bill.

The day the bill was up for consideration in the House I received a telegram from the adjutant of the American Legion of Iowa urging me to support this bill, and on the next day, May 12, I wrote him a letter as follows:

> Your wire to hand urging support of the Tyson-Fitzgerald bill. So far as compensation or pension is concerned, the bill, in my judgment, is contrary to the well-established national policy of preserving equality among officers and enlisted men who were called to the colors to serve during a war emergency. Therefore, I did not support this bill. I am always glad to have your views on any pending legislation.
>
> With best wishes,

And so forth, signed by myself.

That letter still expresses my attitude on this bill.

While the House conferees, including myself, were in conference on the postal rates bill with three Senate conferees, we received no notice that this bill was up for consideration, and the first information I had that this matter had been considered was after I returned to this end of the Capitol after the conference had adjourned, when the roll call was over and the House was again in Committee of the Whole considering the Boulder Dam bill.

On an issue of this importance I think I owe it to my constituents and to my colleagues in this House to state that if I had been present I would have voted against overriding the President's veto; in other words, I would have voted "nay" on the question. [Applause.]

PERMISSION TO ADDRESS THE HOUSE

Mr. WHITE of Colorado. Mr. Speaker, I have talked with the gentleman from California [Mr. SWING] and I now desire to renew my request to address the House for 15 minutes to-morrow morning.

The SPEAKER. The gentleman from Colorado renews his request that he be permitted to address the House for 15 minutes to-morrow morning after the reading of the Journal and the disposition of matters on the Speaker's table. Is there objection?

Mr. LEATHERWOOD. Reserving the right to object, on what subject?

The SPEAKER. Objection is heard.

FEDERAL PROBATION OFFICERS

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent to extend my remarks on the probation bill which was first reported favorably by the Committee on the Judiciary and then withdrawn, and to include certain letters from the Civil Service Commission and other communications I have received on the subject.

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

There was no objection.

Mr. LAGUARDIA. Mr. Speaker, under leave granted, I desire to file a statement concerning the parliamentary history and the purpose of H. R. 11801, a bill to amend the United States Code with reference to Federal probation officers. The purpose of this bill is to extend the probationary system in the Federal courts, to provide professional probation officers—that is, salaried probation officers—and also to create a probation bureau, or rather a probation director in the office of the attorney general. The bill was introduced on March 6, 1928, and referred to the Committee on the Judiciary of the House. It was then referred to a Subcommittee of the Judiciary Committee and hearings held on April 13, 1928. These hearings have been printed and are available in the House Committee on the Judiciary (serial 24). The subcommittee reported the bill to the full committee and the full committee agreed on a favorable report to the House recommending the passage of the bill with certain amendments. The amendments suggested by the committee prompt me at this time to make this statement and present all of the facts. The committee recommended the elimination of the civil-service requirement provided in the existing law as well as in this particular bill. I thereupon served notice on the committee that I was opposed to the committee's amendment and would file a minority report. In fact, I prepared a minority report and presented it to the committee for filing with the committee's report. The committee later rescinded its previous action and held the bill in committee for further action at the next session.

The action of the committee in withdrawing favorable report recommending elimination of the civil-serviee requirements, of course, is far better than the original action of the committee recommending the bill with that change. It seems strange to me, and I say so frankly, that this meritorious measure should be held in committee rather than being reported favorably in its original form.

The committee amended the bill by striking out the competitive and civil-service requirements under which probation officers shall be appointed. The action of the committee would change the civil-service policy of the Government not only of the present but of past administrations for over 30 years. No one dares publicly proclaim the desire of returning to the spoils system, yet the constant attempts to exempt grades and classes of employees from civil-service requirements indicates a tendency on the part of some to destroy and abolish entirely the civil-service system.

Probation work is by no means in the experimental stage. A reading of the hearings on this bill will show the progress and success of probation in many of the States. The probation system was applied to the Federal courts only a few years ago. The original law then provided that "probation officers who are to receive salaries shall be appointed after competitive examination held in accordance with the laws and regulations of the civil service of the United States (March 4, 1925)." An elimination striking out the civil-service provisions from this bill destroys the protective features of civil service and takes these highly technical and professional appointees away from the requirements of proper tests and standards of qualification and throws them into the pot of political patronage.

The United States Civil Service Commission has heretofore held examinations and established the standard and qualifications of Federal probation officers. There is now in existence a list of duly qualified and eligible candidates for appointment. The United States Civil Service Commission approved of the bill as originally introduced. It had no notice that the committee intended eliminating the civil-service requirements of the existing law. The United States Civil Service Commission had no opportunity to appear before the committee in opposition to the proposed committee amendment. The first knowledge the Civil Service Commission had was when the committee's action was called to their attention. The following letter from the commission speaks for itself:

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., May 19, 1928.

Hon. FIORELLO H. LAGUARDIA,
House of Representatives.

MY DEAR MR. LAGUARDIA: The act of March 4, 1925, establishing a probation system in the United States court, except in the District of Columbia, provides that—

"Probation officers who are to receive salaries shall be appointed after competitive examination held in accordance with the laws and regulations of the civil service of the United States."

It is understood that there is now before the Judiciary Committee of the House a proposal to amend the law respecting probation by removing therefrom the provision quoted above.

Probation presents a serious responsibility and calls for a high degree of intelligence if it is to be made to function properly and usefully. While it is true that the probation system as such is no longer an experiment as applied to the Federal service, it is in the formative stage and for proper development needs to be placed in the hands and under the supervision and direction of persons whose training will insure intelligent and efficient service. To make the system a useful instrument in the administration of criminal justice in the Federal courts, definite qualifications as to ability and training, as well as character, must be required of those who seek to become probation officers.

The experience of this commission, extending over a period of nearly a half century, has demonstrated fully that the merit system of appointments, based upon open competitive examinations, affords a far more satisfactory method of appointment and insures a better and more efficient class of employees than where no system of personnel control is employed and appointments are subject to personal and political influence.

Aside from the objections raised by those who desire to effect the appointments of individuals because of personal or political reasons, the main opposition to the application of the civil-service examinations to the employment of probation officers is based on the requirement of personal qualifications which, it is said, can not be tested adequately by examination. Such belief is unfounded and contrary to facts.

The problem of testing personal characteristics was solved some time ago by the commission, and there has been incorporated in the examination for probation officers, and made an essential part thereof, an oral test which has for its purpose the determination of the applicant's personal characteristics and address, adaptability, keenness and quickness of understanding, observation, judgment, and discretion; in general, his personal fitness for the performance of the duties of the position.

No claim has been made that the persons certified by the commission lack the necessary qualifications to perform properly the duties of probation officers. One Federal judge has referred to a probation officer who was appointed from the commission's examination as "the bright jewel in our court." Such praise reflects truly the efficacy of the system which made his appointment possible. Other eligibles appointed through the commission's examinations were men of experience and doubtless their knowledge of the technique of the work will aid materially in making the Federal probation system an effective means for dealing with criminals, especially first offenders.

No substitute has been found for the examination system of testing applicants for appointment as probation officers, as evidenced by requirement of examination in States in which probation is used extensively, such as New York, New Jersey, Ohio, Wisconsin, and California. The practical application of the merit system in appointments of probation officers has been demonstrated in these States, and there appears to be no reason why the system should not be applied with equal success to the Federal service.

In this connection it may be stated that two examinations for probation officer have been held, the commission's register containing the following number of eligibles:

Arkansas	2
California	2
Connecticut	1
District of Columbia	1
Florida	1
Illinois	12
Indiana	2
Iowa	1
Massachusetts	1
Michigan	5
Minnesota	4
Mississippi	1
Missouri	6
New York	13
New Jersey	3
Ohio	2
Oregon	1
Pennsylvania	14
South Dakota	1
Tennessee	1
Virginia	2
Washington	3
Wisconsin	3
Georgia	4
Kentucy	4

Attention is invited to the copy of letter from the Hon. Herbert C. Parsons, commissioner of probation of the State of Massachusetts, in which the opinion is expressed that probation officers might well be appointed under civil-service rules, provided the examinations are broad enough to take into account those personal qualifications which are peculiarly essential in such officer. As noted above, the commission's examination meets these requirements.

The commission regards it as vital to the success of the probation system that there shall be adequate tests of fitness for probation officers, embracing personal characteristics.

By direction of the commission:

Very respectfully,

JOHN T. DOYLE, *Secretary.*

The National Probation Association, an organization made up of nationally known men and women throughout the United

States who took up the study of probation work years ago, developed it to its present use in many of the States of the Union. This association has made a study of probationary work and from a sentimental idea has perfected it to a sociological science.

The National Probation Association approved of this bill in its original form. Like the Civil Service Commission, it had no idea that this model measure would be changed in committee. The National Probation Association says:

NATIONAL PROBATION ASSOCIATION (INC.),
New York City, May 18, 1928.

Re: H. R. 11801, concerning probatiton.
Hon. FIORELLO LAGUARDIA,
Member of Congress, Washington, D. C.

DEAR CONGRESSMAN: The United States Civil Service Commission advises me that you would like to have certain information regarding the use of civil-service examinations for probation officers in various States and the results of the same.

The following States have placed probation officers under the classified civil service: New York, New Jersey, Ohio, California, and Wisconsin (Milwaukee County). The National Probation Association has approved putting probation officers under civil service because, as we have observed it, this has resulted in improving the personnel of the service in removing these important positions from political control to a considerable extent, in enforcing higher standards of education and training, and in securing better people all around for the work.

The New York State Probation Commission, years ago, led the fight to classify probation officers throughout New York State under the civil service. It has certainly worked well in New York State and now there are very few judges or others who have the interests of the service at heart who would go back to the old method of giving judges a free hand in selecting probation officers. It was argued that probation officers were peculiarly personal and confidential appointees of judges and therefore the judges should not be hampered in selecting them. It is now seen that this conception of the probation officer was entirely erroneous. The probation officer is an official of the court who has his own distinct work, that of making social investigations and supervising persons on probation.

In this work he should not be hampered by personal or political considerations. He should be required to come up to certain standards of education and training. We have found that many judges, especially when the service is just being established, as is the case in the Federal courts, do not fully appreciate the type of training and experience probation officers should have. Therefore they make bad selections. We believe that placing these positions under civil service has been of great benefit both in the States where it has been adopted and in the Federal service.

Six paid probation officers have been appointed in as many districts, all qualifying as a result of the civil-service examination. These officers are of good quality, and I believe that the judges in each district are well satisfied with the officers secured. The two examinations which have been held have been very practical and have resulted in securing good candidates. There is opposition on the part of certain judges to the civil service, which is due in part to the fact that they would like to make personal appointments and take into consideration political indorsements, which would result in very poor appointments being made. We believe that the civil service has been very beneficial in maintaining the quality of appointments so far, and we believe that it will be increasingly so in the future when larger appropriations are secured for appointing probation officers in the United States district courts. We therefore believe that the provision in the present probation law placing the probation officers under civil service should be maintained.

The bill as introduced contains important provisions for strengthening the probation law which are badly needed at the present time. The most important provision is that authorizing the appointment of a probation director to supervise the extension of the work in the Department of Justice. We hope very much that the bill will have your support and that you will assist in having the bill reported from the Judiciary Committee immediately with the civil-service provision reinstated.

Very sincerely yours,

CHARLES L. CHUTE,
General Secretary.

Probation work has been a success in the State of New York. In New York City official and salaried probation officers are assigned to the magistrates' courts, city courts, court of special sessions, and the court of general sessions. The probation work of the court of general sessions is under the direction of Prof. Edwin J. Cooley, who holds a chair at Fordham University. He is a recognized authority on the probation system, and his views of the necessity of the civil-service requirements in this work are authoritative:

COURT OF GENERAL SESSIONS,
PROBATION DEPARTMENT, COUNTY OF NEW YORK,
32 Franklin Street, New York, May 16, 1928.

DEAR CONGRESSMAN LAGUARDIA: The success or failure of the probation system depends fundamentally upon the wise and careful selection of probation officers. It is now generally recognized that the duties of probation officers can only be intrusted to persons qualified for the work by reason of their character, temperament, special training, ability, and interest.

Probation officers ought to be selected without regard to politics. Their appointment should be based solely upon their particular fitness for their work. The process of selecting probation officers is, therefore, a matter of primary importance.

In the State of New York practical experience for approximately two decades has proven that individuals with the qualities essential in probation officers can be selected through the right kind of civil-service examinations.

In New York State civil-service examinations for probation officers include a written examination on powers and duties, a consideration of educational qualifications, experience, character, and personal fitness.

As all civil-service examinations must be practical in their character and relate to such matters as will fairly test the relative capacity and fitness of the person examined to discharge the duties of the position sought, the written examination given the candidates for probation officer is made up of practical questions regarding the laws relating to probation work, the duties and functions of probation officers, and the questions pertaining to the technique of probation work.

In the oral interview, which is part of every examination, the training, personality, experience, and education of the candidate are evaluated.

Civil-service examinations can insure that the probation officers shall be well-trained social workers of good personality. The fact that entirely disqualified persons have served as probation officers in jurisdictions which do not have civil-service examinations is the chief cause when probation fails to reduce delinquency.

I am sending you herewith a copy of the civil-service announcements for the examination of probation officer of the court of general sessions, to be held in July.

With assurances of my desire to cooperate with you in every way possible, and my cordial good wishes always, I am

Yours faithfully,

EDWIN J. COOLEY,
Chief Probation Officer, Court of General Sessions.

Probation officer, court of general sessions, New York County: Rule I of the court of general sessions provides that probationers be assigned to the probation custody of a probation officer of the same sex, and whenever practicable of the same religious faith, as the probationer. The eligible list established as the result of the examination held December 4, 1926, having been exhausted for male certification, this examination is being held to supply the need of men to handle the cases of male offenders which at present constitute over 90 per cent of the offenders before the court of general sessions. Several immediate appointments expected at $3,000. Minimum age, 21 years. The duties include performing all of the probation work of the court and, when called upon to do so, performing the probation work of the criminal part of the supreme court of the first judicial district of New York County. Candidates must have had a high-school education or equivalent education and must have had in addition one of the following: (a) Either one year of acceptable experience (whole-time basis) in social-case work with a social agency of good standing, or (b) have had a college education, or (c) must have had at least one year of satisfactory training in a recognized school of social service or in lieu thereof acceptable courses of study, reading, or training in the social sciences. Candidates will be required to submit evidence or they may be required to show evidence through special examination. Subjects of examination: Written examination including questions on the work of probation officers, duties of the position, and methods of work—relative weight, 5; training, experience, and general qualifications—relative weight, 5. An interview may be required.

It is but natural that the National Civil Service Reform League, which is constantly fighting attempts to return to the spoils system, does not desire to see the Federal courts made a dumping ground for political hacks, protests against the committee's amendment in no uncertain terms:

NATIONAL CIVIL SERVICE REFORM LEAGUE,
New York, May 18, 1928.

Hon. FIORELLO H. LAGUARDIA,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN LAGUARDIA: It has come to my attention that the Judiciary Committee of the House has agreed to strike out of H. R. 11801 the provision for the appointment of probation officers in the Federal courts after competitive examination.

The advisability of appointing probation officers only after competitive examination has been demonstrated in many jurisdictions, particularly in New York State, where, as you probably know, all probation officers are under the merit system. In connection with the reorganization of the probation system in both the New York State service and in connection with the criminal courts of New York City, the legislature specifically provided for the appointment of not only probation officers but even the director of the State probation division after competitive examinations. So that there is not a single position either in the State probation bureau or in the bureaus attached to the criminal courts of New York City that is not under the merit system.

The application of the merit system to these positions by the legislature was made after mature consideration of the practicability of competitive civil-service examinations for such places. Experience has shown that where probation officers are appointed without examination it invariably results in the appointment and retention of mediocre and incompetent officers. The position of probation officer requires the services of a trained technical expert. Only after an intensive investigation of the education, training, and experience of candidates for such positions, based on examinations conducted by the Civil Service Commission, can we be assured of the appointment of qualified persons.

To permit their appointment without the aid of the Civil Service Commission inevitably invites political or personal considerations to dictate appointments; at least, it subjects the appointing authority to certain pressure from which he ought to be relieved as a matter of fairness to him.

I hope that you may be successful in urging the Judiciary Committee to reconsider its decision to eliminate from the bill the provision for the appointment of probation officers after competitive examination. I shall write to the other members of the committee conveying our views.

If there is any other information you may desire, will you please call on me?

Very truly yours,

H. ELIOT KAPLAN, *Secretary.*

One of the best-informed witnesses who appeared before the committee was Mr. Herbert C. Parsons, commissioner of probation of the State of Massachusetts. His testimony before the committee is not only interesting but most instructive. Every member of the subcommittee will admit that Mr. Parsons' statement was very impressive. He appeared before the committee in favor of the bill, but when he approved of the bill the civil-service requirement had not been eliminated. Mr. Parsons speaks for himself in the following telegram:

BOSTON, MASS., *May 22, 1928.*

Hon. F. H. LAGUARDIA,
House of Representatives, Washington, D. C.:

Your wire was first intimation of removal from civil service being feature of probation bill not mentioned in hearing. Massachusetts experience is with unrestricted appointment by judges; it is clearly debatable ground in any new field. I hope it will be considered all by itself.

HERBERT C. PARSONS.

As far back as 1919, when the United States Civil Service was first considering the placing of Federal prohibition officers under civil service, it consulted with the best men in the country on the subject. Even then Mr. Parsons approved of the civil-service system and stated:

The commission on probation [in Massachusetts] has recorded itself in favor of the placing of appointments under civil service * * *.

Mr. Herbert C. Parsons' letter of 1919 is most timely now:

MAY 22, 1919.

MR. HAROLD N. SAXTON,
Chief Examiner, State of New York Civil Service Commission, Albany, N. Y.

DEAR SIR: Replying to your inquiry under date of May 17, I am glad to give you the opinion which is held by those who are directly connected with the probation service of this State, so far as it has ever found expression. It is that the appointments to the probation service might well be under civil-service rules, provided that the examinations be broad enough to take into account those personal qualifications which are peculiarly essential in such an officer.

Appointments in this State are not made under civil-service regulations. The theory which has been followed in our statutes is that the probation officer is the personal representative of the judge of the court, an extension, so to speak, of the court out into the community for the double purpose of: (1) inquiry as to the social bearings of the case, and the conditions of the accused person's life and employment, health, and mentality; and (2) the supervision of such persons when found guilty of the offense charged, with a view to holding them to a right line of conduct, and, more emphatically, to bring about a rehabilitation and an improved attitude toward society in general. That being the purpose, the appointment has been left entirely in the hands of the court.

In the police, district, juvenile, and municipal courts, which constitute our system of courts with primary jurisdiction, the justice of the court appoints the probation officer and may remove him at pleasure. The law provides no check upon the appointment. In the superior court, which is our court of appeals for the rehearing of a case on its merits, and the court where jury trials are provided, the appointments are practically made by a committee of three justices, called the committee on probation of the superior court, selected by the chief justice of the superior court. They are formally made by a justice sitting in the county in which the officer is appointed. As in the other courts, the appointment by the court is final.

The commission on probation has recorded itself in favor of the placing of appointments under the civil service, providing it could be done with broad regulations, including an oral examination. The chief justice of the Boston municipal court, our largest court of its kind, and the writer some time ago presented to the Civil Service Commission an opinion that the probation service in this State would be improved by this change in the method of appointment. We have studied the New York system, both in the reports of the probation commission of your State and in the less formal information given by its secretary, Mr. Chute, and we have held this up as the model which we believe Massachusetts should adopt.

The alternative frequently suggested here is to make the appointments by the justices subject to the approval of the commission on probation, or to have them made from lists prepared by the commission. But this alternative is not especially attractive, for the reason that it undertakes practically a civil-service form while simply changing to another board than the State Civil Service Commission the application of the same principle as controls civil-service appointments.

Practically the substitute, which in a measure has come to be adopted in this State, is an active seeking by the commission on probation of a share in the consideration of candidates for probation positions. In the superior court, all appointments are made after careful investigation by this office of the merits of the candidates. In the lower courts the justices frequently consult the commission as to the appointments. But you will appreciate the fact that no such rule has any legal force, as its observance depends upon the inclination of the judges. In this way, some appointments are made without resort to the commission's advice, and appointments which are not up to a recent standard. It works advantageously when it works at all, and it generally is ample, but it can not be relied upon or advocated as a sufficient substitute for the use of civil-service examinations.

I realize that I am giving you only opinions, without the basis of experience in the work of civil-service regulations as applied to the Massachusetts probation service. But they are opinions which are intelligently formed and stoutly held on the part of those who most strongly desire that the probation service should come to a high standard in a State where it is so largely used as here.

Yours very truly,

HERBERT C. PARSONS,
Deputy Commissioner.

There can be no sound argument presented in favor of the committee's amendment making these important court employees the subject of political or personal appointments. There are, perhaps, some personal and selfish reasons here and there with apparent sufficient influence to destroy the civil-service policy of the country, to ignore experience of the past, and to depart from the best practice in probationary work. It must be these personal desires and not the best interest of the work that suggested the proposed committee amendment.

One case that has come to the attention of the Civil Service Commission is that of a Federal judge, who, when the law went into effect, sought to appoint a probationary officer under salary. He selected the appointee, a young lady of his judicial district, and proceeded to make the appointment. When he was confronted with the civil-service requirement of the existing law, his honor, the judge, protested. Not only did his honor, the judge, protest, but he sought first to evade the law by making the appointment and then refused to make the appointment unless he could appoint the particular young lady he had in mind. Splendid example of law obedience and restraint on the part of a Federal judge.

Here is another reason for exempting these positions, taken right from the hearings, page 67. One of the gentlemen on the subcommittee frankly stated:

In my district we have a man who has been serving ever since this law went into effect. He is a volunteer, and he has passed the age when he could take the examination. And there is no better man in the country. He is devoted to that work, but he could not take the civil-service examination. The judge does not want anybody else, and he says he will not have anybody else.

Again his honor, the judge, brazenly and openly states that he refuses to obey the law.

Is it not still fresh in the memory of every member of the Committee on the Judiciary that in a very recent case requiring the attention of the committee there was the uncontradicted and uncontroverted proof of a Federal judge appointing to a confidential position first his daughter, then his wife, and then another daughter? Is this judge to be intrusted with the selection and appointment of probation officers charged with most important work?

In the consideration of this bill the past experience of this important work, the present practice in most of the States, and the views of recognized authorities on the subject must be taken into consideration, rather than the desire of an individual here and there for the appointment of any particular person. Rather than permit the passage of the bill, weakened and distorted by the elimination of a necessary protective feature, it should be defeated. The bill in its original form, carrying the civil-service provisions of existing law, is an excellent piece of necessary legislation and in its original form should be passed by Congress.

RECOGNITION BY THE SPEAKER

The SPEAKER. May the Chair suggest, inasmuch as he sees a number of gentlemen on their feet, that owing to the lateness of the hour the Chair prefers not to recognize gentlemen whose requests will take any great length of time.

EVENING SESSION ON FRIDAY

Mr. TILSON. Mr. Speaker, I ask unanimous consent that to-morrow at any time before 6 o'clock it may be in order to move to take a recess until 8 o'clock in the evening, and that between the hours of 8 and 11 it may be in order only to consider bills on the Private Calendar unobjected to, beginning at the double star.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that it may be in order at any time before 6 o'clock to-morrow to move to take a recess until 8 o'clock in the evening, and that between 8 and 11 o'clock it may be in order to consider bills on the Private Calendar unobjected to. Is there objection?

Mr. LAGUARDIA. Reserving the right to object, that is after the disposition of the present Boulder Dam bill?

Mr. TILSON. If this bill is not completed we can go on with its consideration after 6 o'clock, thus annulling my request for an evening session.

Mr. TAYLOR of Colorado. Reserving the right to object, can the gentleman give us any idea when we will take up the Consent Calendar?

Mr. TILSON. I shall urge that the Consent Calendar be taken up not later than Monday if the resolution to adjourn on Tuesday is agreed to in the Senate. I shall make every effort to have unobjected bills on these two calendars considered.

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

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. LEATHERWOOD. Mr. Speaker, the gentleman from Colorado [Mr. WHITE] was under the impression that I objected to his request. I reserved the right to object and asked what subject he was going to speak on. He has informed me, and I have no objection.

The SPEAKER. Is there objection to the request of the gentleman from Colorado [Mr. WHITE]?

There was no objection.

Mr. WELCH of California. Mr. Speaker, I ask unanimous consent that I may address the House for 35 minutes on Saturday after the reading of the Journal and disposition of papers on the Speaker's table.

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

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to proceed for 10 minutes at the completion of the address of the gentleman from California.

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

Mr. RANKIN. Reserving the right to object, on what subject?

Mr. WELCH of California. In answer to a charge made by the gentleman from Michigan [Mr. CRAMTON] that the city and county of San Francisco has failed to carry out its obligation under what is known as the Raker Act, passed in 1913, granting the city and county of San Francisco certain rights for water storage in the Yosemite National Park.

Mr. RANKIN. I hope the gentleman will not occupy that time——

Mr. WELCH of California. I will reduce it to 30 minutes.

Mr. RANKIN. If the gentleman is going to make it 30 minutes I will not object to 35. [Laughter.]

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. CRAMTON] that he may have 10 minutes to address the House at the conclusion of the remarks of the gentleman from California [Mr. WELCH]?

Mr. SCHAFER. Reserving the right to object, on what subject—the same subject?

Mr. CRAMTON. Yes.

Mr. RAMSEYER. Mr. Speaker, reserving the right to object—and I am not going to object—as we approach the end of the session many Members are inclined to rush into the pit to get recognition from the Speaker. It tends to disorder in the House, and I think I shall hereafter, when I am present, object to unanimous consent preferred from the pit. The rules require that Members shall rise in their places and address the Speaker.

The SPEAKER. The Chair sustains the point of order. [Laughter.] Is there objection to the request of the gentleman from Michigan?

There was no objection.

REPORT OF GOVERNOR GENERAL OF THE PHILIPPINE ISLANDS
(H. DOC. NO. 325)

The SPEAKER laid before the House the following message from the President of the United States, which was read, and with the accompanying papers referred to the Committee on Insular Affairs and ordered printed:

To the Congress of the United States:

As required by section 21 of the act of Congress approved August 29, 1916 (39 Stat. 545), entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands," I transmit herewith for the information of the Congress the report of the Governor General of the Philippine Islands, including the reports of the heads of the departments of the Philippine government, for the fiscal year ended December 31, 1927.

I concur in the recommendation of the Secretary of War that this report be printed as a congressional document.

CALVIN COOLIDGE.

THE WHITE HOUSE, *May 24, 1928.*

FORT DEFIANCE, OHIO

Mr. LUCE. Mr. Speaker, I ask unanimous consent that I may have until midnight to-night to file a conference report on Senate Joint Resolution 82, relating to Fort Defiance, Ohio.

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

There was no objection.

LEAVE OF ABSENCE

The following leave of absence was granted:

To Mr. WINGO (at the request of Mr. RAGON), on account of illness in his family.

To Mr. W. T. FITZGERALD (at the request of Mr. KEARNS), indefinitely, on account of sickness in his family.

ADJOURNMENT

And then, on motion of Mr. SMITH (at 6 o'clock and 5 minutes p. m.), the House adjourned until to-morrow, Friday, May 25, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Friday, May 25, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON AGRICULTURE

(10 a. m.)

A bill to amend the grain futures act (H. R. 11952).

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).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. H. R. 13778. A bill authorizing Alex Gonzales, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Rio Grande near the town of Ysleta, Tex.; with amendment (Rept. No. 1846). Referred to the House Calendar.

Mr. LEA: Committee on Interstate and Foreign Commerce. H. R. 13824. A bill authorizing L. L. Montague, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Columbia River at or near Arlington, Oreg.; with amendment (Rept. No. 1847). Referred to the House Calendar.

Mr. SHALLENBERGER: Committee on Interstate and Foreign Commerce. H. R. 13826. A bill authorizing the Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Union, Nebr.; with amendment (Rept. No. 1848). Referred to the House Calendar.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H. R. 13856. A bill authorizing H. G. Martin, W. P. Calhoun, J. H. Kaplin, R. L. O'Neal, O. J. Whipple, H. G. McBride, J. B. Brown, and Idus Jones, their heirs, legal representatives, or assigns, to construct, maintain, and operate a bridge across the Altamaha River, at or near Towns Bluff Ferry, in Jeff Davis and Montgomery Counties, Ga.; with amendment (Rept. No. 1849). Referred to the House Calendar.

Mr. SINNOTT: Committee on the Public Lands. H. J. Res. 318. A joint resolution amending the joint resolution entitled "Joint resolution directing the Secretary of the Interior to withhold his approval of the adjustment of the Northern Pacific land grants, and for other purposes," approved June 5, 1924 (43 Stat. 461), as amended by the joint resolution approved March 3, 1927 (44 Stat. 1405); without amendment (Rept. No. 1850). Referred to the Committee of the Whole House on the state of the Union.

Mr. LETTS: Committee on Indian Affairs. H. R. 12414. A bill authorizing the classification of the Chippewa Indians of Minnesota, and for other purposes; with amendment (Rept. No. 1851). Referred to the House Calendar.

Mr. LETTS: Committee on Indian Affairs. S. 2792. An act reinvesting title to certain lands in the Yankton Sioux Tribe of Indians; without amendment (Rept. No. 1852). Referred to the House Calendar.

Mr. LEAVITT: Committee on Indian Affairs. S. 4346. An act to authorize an appropriation for the purchase of certain privately owned lands within the Fort Apache Indian Reservation, Ariz.; without amendment (Rept. No. 1853). Referred to the House Calendar.

Mr. McSWAIN: Committee on Military Affairs. H. R. 13406. A bill to authorize the city of Fort Thomas Ky., to widen, improve, reconstruct, and resurface Fort Thomas Avenue and to assess the cost thereof against the United States according to front feet of military reservation abutting thereon, and authorizing an appropriation therefor; with amendment (Rept. No. 1854). Referred to the Committee of the Whole House on the state of the Union.

Mr. LUCE: Committee on the Library. S. 3171. An act providing for a Presidents' plaza and memorial in the city of Nashville, State of Tennessee, to Andrew Jackson, James K. Polk, and Andrew Johnson, former Presidents of the United States; with amendment (Rept. No. 1855). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. H. R. 12526. A bill to amend section 126 of title 28 of the United States Code (Judicial Code, sec. 67, amended); with amendment (Rept. No. 1857). Referred to the House Calendar.

Mr. WOLVERTON: Committee on Naval Affairs. H. R. 13414. A bill to amend section 1396 of the Revised Statutes of the United States relative to the appointment of chaplains in the Navy; without amendment (Rept. No. 1858). Referred to the House Calendar.

Mr. GRAHAM: Committee on the Judiciary. S. 1275. An act to create an additional judge for the southern district of Florida; without amendment (Rept. No. 1859). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. S. 1976. An act for the appointment of an additional circuit judge for the second judicial circuit; without amendment (Rept. No. 1860). Referred to the Committee of the Whole House on the state of the Union.

Mr. WASON: Joint Committee on Disposal of Useless Papers. A report on the disposition of useless papers in the War Department (Rept. No. 1861). Ordered to be printed.

Mr. GRAHAM: Committee on the Judiciary. H. R. 13978. A bill to amend section 5 of the act of March 2, 1895, relating to official bonds; without amendment (Rept. No. 1862). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. DREWRY: Committee on Naval Affairs. H. R. 12666. A bill for the relief of William S. Shacklette; without amendment (Rept. No. 1856). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 8456) granting an increase of pension to Mary Spence, and the same was referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CELLER: A bill (H. R. 13995) to amend the tariff act of 1922, approved September 21, 1922; to the Committee on Ways and Means.

By Mr. COLLINS: A bill (H. R. 13996) granting the consent of Congress to the board of supervisors of Leake County, Miss., to construct a bridge across the Pearl River, in the State of Mississippi; to the Committee on Interstate and Foreign Commerce.

By Mr. VINSON of Georgia: A bill (H. R. 13997) to provide for the delivery at designated spot-cotton markets of cotton tendered on future contracts under the United States cotton futures act of August 11, 1916, as amended; to the Committee on Agriculture.

By Mr. WELCH of California: A bill (H. R. 13998) to place assayers in the classified civil service, to provide for the salaries of assayers, and for other purposes; to the Committee on the Civil Service.

By Mr. VINSON of Georgia: A bill (H. R. 13999) for the relief of the leaders of the United States Navy Band and the United States Marine Corps Band, and for other purposes; to the Committee on Naval Affairs.

By Mr. McFADDEN: A bill (H. R. 14000) to amend section 29 of the Federal farm loan act, and for other purposes; to the Committee on Banking and Currency.

By Mr. GOODWIN: A bill (H. R. 14001) to amend section 5219 of the United States Revised Statutes as amended; to the Committee on Banking and Currency.

By Mr. JOHNSON of Washington: A bill (H. R. 14002) to amend the fourth proviso of the act of February 27, 1925, an act making appropriations for the Bureau of Immigration of the Department of Labor, relating to the coast and land border patrol; to the Committee on Immigration and Naturalization.

By Mr. MENGES: Resolution (H. Con. Res. 42) to print the proceedings in connection with the celebration of the one hundred and fiftieth anniversary of the meeting of the Continental Congress at York, Pa., October, 1927; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. BRAND of Ohio: A bill (H. R. 14003) granting an increase of pension to Nancy M. Hurst; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14004) granting an increase of pension to Emma Purnell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14005) granting an increase of pension to Dora Keaton; to the Committee on Pensions.

By Mr. COHEN: A bill (H. R. 14006) authorizing the President to present in the name of Congress gold medals of appropriate design to Clarence D. Chamberlin and Charles A. Levine; to the Committee on Coinage, Weights, and Measures.

By Mr. CROSSER: A bill (H. R. 14007) granting an increase of pension to Mary Jane Tait; to the Committee on Pensions.

By Mr. DARROW: A bill (H. R. 14008) granting a pension to Rebecca Parris; to the Committee on Invalid Pensions.

By Mr. DAVENPORT: A bill (H. R. 14009) granting an increase of pension to Mary Evans; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14010) granting an increase of pension to Julia Spencer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14011) granting an increase of pension to Louise Greene; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 14012) granting a pension to Amy Wilson; to the Committee on Pensions.

By Mr. EVANS of California: A bill (H. R. 14013) for the relief of Edgar C. Campbell; to the Committee on Military Affairs.

By Mr. JACOBSTEIN: A bill (H. R. 14014) granting a pension to Cecelia J. Swift; to the Committee on Pensions.

By Mrs. KAHN: A bill (H. R. 14015) granting a pension to David Jacobi; to the Committee on Pensions.

By Mr. McFADDEN: A bill (H. R. 14016) to erect a monument to the memory of David Wilmot; to the Committee on the Library.

Also, a bill (H. R. 14017) granting an increase of pension to Anna E. Washburn, now known as Anna E. Kitchen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14018) granting an increase of pension to Margaret A. Rockwell; to the Committee on Invalid Pensions.

By Mr. McKEOWN: A bill (H. R. 14019) for the relief of Sard S. Reed; to the Committee on Claims.

By Mr. MURPHY: A bill (H. R. 14020) granting a pension to Naomi E. Glover; to the Committee on Invalid Pensions.

By Mr. NEWTON: A bill (H. R. 14021) for the relief of Edwin Lockwood MacLean; to the Committee on Military Affairs.

By Mr. PORTER: A bill (H. R. 14022) for the relief of Felix Cole for losses incurred by him arising out of the performance of his duties in the American Consular Service; to the Committee on Foreign Affairs.

By Mrs. ROGERS: A bill (H. R. 14023) granting a pension to Benjamin P. Tomlin; to the Committee on Pensions.

By Mr. ROWBOTTOM: A bill (H. R. 14024) granting an increase of pension to Elizabeth Jarvis; to the Committee on Invalid Pensions.

By Mr. RUBEY: A bill (H. R. 14025) granting a pension to Lizzie Simpson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14026) granting a pension to Frank Simpson; to the Committee on Invalid Pensions.

By Mr. TEMPLE: A bill (H. R. 14027) granting an increase of pension to Pamelia Chaney; to the Committee on Invalid Pensions.

By Mr. THATCHER: A bill (H. R. 14028) granting an increase of pension to Sarah Hayden; to the Committee on Invalid Pensions.

By Mr. VINCENT of Michigan: A bill (H. R. 14029) granting a pension to Olive Kimmel; 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:

7763. By Mr. BARBOUR: Resolution adopted by the Chinese Consolidated Benevolent Association, Bakersfield, Calif., branch, protesting against Japanese troops in China; to the Committee on Foreign Affairs.

7764. By Mr. BOYLAN: Petition of National Constitutional Liberty League of America, for the repeal or modification of the eighteenth amendment; to the Committee on the Judiciary.

7765. Also, petition of citizens of New York City, urging the passage of House Resolution 27, providing for the celebration of the one hundred and fiftieth anniversary of the death of Gen. Casimir Pulaski, and for the establishment of a Pulaski sesquicentennial commission; to the Committee on the Library.

7766. By Mr. FENN: Resolution adopted by "Frihed" Lodge, No. 153, Danish Sisterhood of America, at Hartford, Conn., May 16, 1928, protesting against any change in immigration laws whereby the Danish quota would be still further reduced; to the Committee on Immigration and Naturalization.

7767. By Mr. GRAHAM: Petition of Philadelphia Chamber of Commerce, asking Congress to recommit to conference the Muscle Shoals bill; to the Committee on Military Affairs.

7768. By Mr. HAUGEN: Petition of 48 citizens of Elma, Iowa, and vicinity, protesting against the enactment of the education bill; to the Committee on Education.

7769. By Mr. LINDSAY: Petition of 15 officials of Polish organizations and pastors of churches, urging cooperation and support of House Joint Resolution 27, providing for the celebration of the one hundred and fiftieth anniversary of the death of Gen. Casimir Pulaski and for the establishment of a Pulaski sesquicentennial commission; to the Committee on the Library.

7770. By Mr. LINTHICUM: Petition of Dr. J. Ralph John, of the International Congress of Chiropractic Examining Boards, Baltimore, Md., registering opposition to House bill 12947 unless same amendments as offered in the Senate be made part of this legislation; to the Committee on the District of Columbia.

7771. By Mr. MEAD: Petition of Ancient Order of Hibernians, of Niagara Falls, N. Y., relative to House Resolution 202; to the Committee on Rules.

7772. By Mr. O'CONNELL: Petition of Polish citizens of Rochester, N. Y., favoring the passage of House Joint Resolution 27, providing for the celebration of the one hundred and fiftieth anniversary of the death of Gen. Casimir Pulaski; to the Committee on the Library.

7773. Also, petition of Gustave E. Swahn, New York City, opposing the conference report on Muscle Shoals; to the Committee on Military Affairs.

7774. Also, petition of George L. Darte, adjutant general, Military Order World War, favoring the overriding of the President's veto on the Tyson-Fitzgerald bill; to the Committee on World War Veterans' Legislation.

SENATE

FRIDAY, *May 25, 1928*

Continuation of proceedings from 10.30 p. m. of Thursday, May 24 (legislative day of Thursday, May 3) 1928

MUSCLE SHOALS—CONFERENCE REPORT

The Senate had under consideration 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.

Mr. TYDINGS. Mr. President, almost 150 years ago a constitution was devised for the government of this country. It is not my purpose to pose as a constitutional lawyer nor to go into any dry legal discussion of the points involved in the question now before us. I hope, however, I may be permitted to speak briefly in regard to the particular philosophy which came into being with the adoption of the Constitution of the United States.

The men who assembled for months behind closed doors at Philadelphia were scholars and students of all the governments of the world that had preceded ours. They sought to set up in the United States of America, as it was called, a government which would endure not for decades or centuries but for all time. They looked into the operations and history of the governments of the Old World; they saw where those governments had failed and been bad; they saw where power had been abused; and they sought here to erect a form of government, with power checks and balances, so that the evils which had been made apparent in other governments would not be present in ours.

From their long discussion it is apparent that one particular philosophy was ever in their minds. This being a country 3,000 miles in one direction and more than 2,000 miles in the other, it was inevitable that it would be impossible to have one central Government which could operate for all of the States that would eventually become a part of the Union. So they fixed this idea in the Constitution and because it was fixed there our Government has endured to the present moment. That idea was that there should be given to the National Government the power to deal with all things national, which no individual, no community, no State could do for the whole country, and yet which must be done for the whole country if the Nation was to live. It is significant that of all the things it was suggested should be put in the Constitution, there were 18 powers granted to Congress, and every one of those 18 powers deals with a subject which is essentially national and with which no State legislature or group of State legislatures could deal in the interest of the entire country.

I hope to develop this point for those who may do me the honor to listen to me in order to show that the philosophy of the pending joint resolution is contrary to that underlying this Government during the 150 years of its history, and that in effect we are going back to the very thing which the forefathers who founded this Nation hoped to escape.