Congressional Record

PROCEEDINGS AND DEBATES OF THE SEVENTIETH CONGRESS
FIRST SESSION

SENATE

SATURDAY, *May 26, 1928*

(Legislative day of Thursday, May 3, 1928)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to each of the following bills:

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

H. R. 13873. An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1928, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1928, and June 30, 1929, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 82) providing for the erection of a public historical museum on the site of Fort Defiance, Defiance, Ohio.

The message further announced that the House had passed without amendment the following bills and joint resolutions of the Senate:

S. 162. An act for the relief of William M. Sherman;
S. 342. An act for the relief of George B. Booker Co.;
S. 362. An act to provide for the advancement on the retired list of the Navy of Lloyd Lafot;
S. 379. An act for the relief of William R. Boyce & Son;
S. 445. An act for the relief of the Florida East Coast Car Ferry Co.;
S. 456. An act to carry out the findings of the Court of Claims in the case of Edward I. Gallagher, of New York, administrator of the estate of Charles Gallagher, deceased;
S. 605. An act for the relief of Capt. Clarence Barnard;
S. 764. An act for the relief of J. F. Nichols;
S. 1217. An act for the relief of Albert Wood;
S. 1594. An act for the relief of Capt. Joseph W. Loef;
S. 1637. An act for the relief of Martha Henson;
S. 1646. An act for the relief of James M. E. Brown;
S. 1691. An act for the relief of William A. Light;
S. 1852. An act to correct the naval record of John Lewis Burns;
S. 1955. An act for the relief of Lieut. Charles Thomas Wooten, United States Navy;
S. 2227. An act for the relief of F. L. Campbell;
S. 2306. An act for the relief of William E. Thackrey;
S. 2473. An act for the relief of Will J. Allen;
S. 2511. An act to change the name of St. Vincent's Orphan Asylum and amend the act entitled "An act to amend an act entitled 'An act to incorporate St. Vincent's Orphan Asylum, in the District of Columbia,' approved February 25, 1831";
S. 2516. An act for the relief of the owners and/or receiver of the American steam tug *W. S. Holbrook;*
S. 2519. An act for the relief of Robert W. Miller;
S. 2586. An act for the relief of the owner of the Coast Transit Division barge *No. 4;*
S. 2644. An act to carry out the findings of the Court of Claims in the case of the P. L. Andrews Corporation;
S. 2697. An act for the relief of Hattie M. McMahon;
S. 2733. An act to amend the military record of Joseph Cunningham;
S. 2764. An act for the relief of Nelle McConnell;
S. 2802. An act to provide for the appointment of midshipmen at large by the Vice President of the United States;
S. 2966. An act for the relief of Oliver C. Sell;
S. 3201. An act for the relief of Paul D. Carlisle;
S. 3308. An act to confer jurisdiction on the Court of Claims to hear and determine the facts in the claim of John L. Alcock;
S. 3338. An act authorizing the sale of certain lands on Petit Jean Mountain near Morrilton, Ark., for use by the Young Men's Christian Association of Arkansas;
S. 3427. An act authorizing the Secretary of the Navy to make a readjustment of pay to Gunner W. H. Anthony, jr., United States Navy (retired);
S. 3602. An act to quiet title and possession with respect to certain lands in Faulkner County, Ark.;
S. 3903. An act to provide for the reinterment of bodies now interred in the grounds of St. Francis de Sales Church in the District of Columbia;
S. 4376. An act for the relief of Harry M. King;
S. J. Res. 51. Joint resolution tendering the thanks of Congress to Commander Albert Cushing Read, United States Navy, for his achievement in completing the first trans-Atlantic airplane flight, and providing for his advancement on the list of commanders of the Navy; and
S. J. Res. 120. Joint resolution authorizing the Secretary of War to lease to the New Orleans Association of Commerce, New Orleans Quartermaster Intermediate Depot Unit No. 2.

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

S. 1448. An act for the relief of Omer D. Lewis;
S. 2319. An act for the relief of John W. Stockett;
S. 1541. An act for the relief of George A. Robertson;
S. 19. An act for the relief of Frank Topping and others;
S. 1287. An act for the relief of the Near East Relief (Inc.);
S. 374. An act for the relief of Lulu Chaplin; and
S. 1122. An act for the relief of S. Davidson & Sons.

The message further announced that the House had passed the following bills of the Senate severally with amendments, in which it requested the concurrence of the Senate:

S. 3868. An act authorizing an advancement of certain funds standing to the credit of the Creek Nation in the Treasury of the United States to be paid to one of the attorneys of the Creek Nation, and for other purposes;
S. 1434. An act for the relief of Mattie Holcomb;
S. 2372. An act to amend section 201, subdivision (1), of the World War veterans' act, 1924, as amended; and
S. 1769. An act for the relief of the legal representative of the estate of Haller Nutt, deceased.

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

H. R. 1390. An act for the relief of Maj. Lester L. Lampert;
H. R. 1539. An act for the relief of Edward J. Costello;
H. R. 1939. An act for the relief of James M. Thomas;
H. R. 2427. An act for the relief of Morris Dietrich;
H. R. 2486. An act for the relief of Andrew Jackson Seward, jr., deceased;
H. R. 2817. An act for the relief of Michael J. Bauman;
H. R. 3168. An act for the relief of Douglas B. Espy;
H. R. 3221. An act for the relief of Ross F. Collins;
H. R. 3278. An act for the relief of Richard A. Chavis;
H. R. 3443. An act for the relief of Alfred O. Huestis;
H. R. 3462. An act for the relief of Paul Jelna;
H. R. 3537. An act for the relief of William F. Goode;
H. R. 3539. An act for the relief of Frank Murray;
H. R. 3722. An act for the relief of Robert C. Osborne;

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H. R. 3937. An act for the relief of the heirs of Thomas G. Wright;

H. R. 3955. An act for the relief of the C. Tisdall Co., Herbert W. Smith, Newman Bros., Thomas J. Murphy Co., formerly Edward A. Brown Co., and Giles P. Dunn, jr.;

H. R. 3967. An act for the relief of the next of kin of Edgar C. Bryon;

H. R. 4215. An act for the relief of Frank L. Merrifield;

H. R. 4244. An act for the relief of Joseph Lee;

H. R. 4264. An act for the relief of Philip V. Sullivan;

H. R. 4380. An act for the relief of Martha Andrew Virginia Johnson;

H. R. 4387. An act for the relief of Ida E. Godfrey;

H. R. 4626. An act for the relief of Maj. Arthur A. Padmore;

H. R. 4776. An act for the relief of Dr. Stanley R. Teachout;

H. R. 4781. An act for the relief of the legal representatives of Cobb, Blasdell & Co.;

H. R. 4811. An act to reinstate Frank W. Simpson, formerly lieutenant, Coast Artillery, United States Army, as a first lieutenant in the United States Army;

H. R. 5019. An act for the relief of T. G. Roberts;

H. R. 5222. An act for the relief of Robinson Newbold;

H. R. 5223. An act for the relief of Michael Marley;

H. R. 5773. An act 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;

H. R. 5948. An act for the relief of George Joseph Boydell;

H. R. 6112. An act for the relief of Armstrong Hunter;

H. R. 6127. An act for the relief of Basil N. Henry;

H. R. 6263. An act to provide for the reinstatement of Larry Cardwell in the United States Naval Academy;

H. R. 6549. An act for the relief of Lewis W. Crain;

H. R. 7079. An act for the relief of John Golombiewski;

H. R. 7236. An act for the relief of James M. Long;

H. R. 7244. An act for the relief of Mary Martin Harrison;

H. R. 7324. An act for the relief of Orla W. Robinson;

H. R. 7330. An act for the relief of E. M. Gillett and J. H. Swenarton;

H. R. 7378. An act for the relief of Wade Allen and Ed Johnson;

H. R. 7411. An act for the relief of Gilbert Faustina and John Alexander;

H. R. 7492. An act for the relief of Capt. Louis C. Brinton;

H. R. 7552. An act for the relief of Bertina Sand;

H. R. 8341. An act to provide for appointing Clarence Ulery, a warrant officer, United States Army;

H. R. 8464. An act for the relief of Raymond Nelson Hickman;

H. R. 8597. An act for the relief of Ernest L. Silvers;

H. R. 8598. An act for the relief of James J. Dower;

H. R. 8751. An act for the relief of Robert W. Miller;

H. R. 8859. An act for the relief of Edna E. Snably;

H. R. 8986. An act for the relief of John W. Bates;

H. R. 9071. An act for the relief of Ed Burleson;

H. R. 9210. An act for the relief of Lieut. George H. Hauge, United States Army;

H. R. 9300. An act for the relief of Joseph N. Marin;

H. R. 9396. An act to compensate Eugenia Edwards, of Saluda, S. C., for allowances due and unpaid during the World War;

H. R. 9412. An act for the relief of Frank D. Peck;

H. R. 9453. An act for the relief of Tracy Lee Phillips;

H. R. 9509. An act for the relief of Ray Ernest Smith;

H. R. 9516. An act for the relief of Capt. W. B. Finney;

H. R. 9546. An act for the relief of T. D. Randall & Co.;

H. R. 9597. An act for the relief of Fred Elias Horton;

H. R. 9659. An act for the relief of F. R. Barthold;

H. R. 9719. An act for the relief of George A. Day;

H. R. 9737. An act for the relief of Herman C. Davis;

H. R. 9751. An act for the relief of Robert Y. Garrison;

H. R. 9827. An act for the relief of George Pettit;

H. R. 9943. An act for the relief of Sawyer Motor Co.;

H. R. 9995. An act for the relief of Lucius K. Osterhout;

H. R. 10034. An act for the relief of Capt. Alexander C. Doyle;

H. R. 10093. An act for the relief of Ferdinand Young, alias James Williams;

H. R. 10125. An act for the relief of Leo Scheuren;

H. R. 10126. An act for the relief of Loretta Pepper;

H. R. 10194. An act for the relief of Maria Hensley Clay;

H. R. 10274. An act for the relief of Commander Francis James Cleary, United States Navy;

H. R. 10508. An act for the relief of T. P. Byram;

H. R. 10550. An act to provide for the acquisition by Meyer Shield Post No. 92, American Legion, Alva, Okla., of lot 19, block 41, the original town site of Alva, Okla.;

H. R. 10908. An act for the relief of L. Pickert Fish Co. (Inc.);

H. R. 10913. An act to compensate Talbird and Jenkins for balance due on contracts with Navy Department, dated March 20 and October 9, 1919;

H. R. 10974. An act for the relief of Carl Holm;

H. R. 11064. An act for the relief of F. Stanley Millichamp;

H. R. 11153. An act for the relief of Harry C. Tasker;

H. R. 11216. An act for the relief of James Scott;

H. R. 11239. An act for the relief of H. W. Dickson and Mary L. Dickson;

H. R. 11260. An act for the relief of Frans Jan Wouters, of Antwerp, Belgium;

H. R. 11385. An act for the relief of Dr. Andrew J. Baker;

H. R. 11508. An act for the relief of Kirby Hoon;

H. R. 11607. An act for the relief of Capt. Roger H. Young;

H. R. 11754. An act for the relief of Edward Knight;

H. R. 11859. An act for the relief of B. C. Miller;

H. R. 12012. An act for the relief of Albert I. Riley;

H. R. 12021. An act for the relief of Samuel S. Michaelson;

H. R. 12117. An act for the relief of Samuel F. Tait;

H. R. 12280. An act for the relief of Lula Lewis;

H. R. 12538. An act for the benefit of Morris Fox Cherry;

H. R. 12638. An act for the relief of David A. Wright;

H. R. 12641. An act for the relief of George A. Cole;

H. R. 12714. An act for the relief of the Rocky Ford National Bank, Rocky Ford, Colo.;

H. R. 12764. An act for the relief of Commander Chester G. Mayo;

H. R. 12793. An act for the relief of Alonzo Durward Allen;

H. R. 12869. An act to permit the United States to be made a party defendant in a certain case;

H. R. 12834. An act for the relief of James W. Smith;

H. R. 12844. An act to amend the naval record of John M. Reber;

H. R. 12867. An act granting an honorable discharge to Pierce Dale Jackson;

H. R. 12952. An act to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended by act of March 6, 1920;

H. R. 12966. An act for the relief of Jeannette S. Jewell;

H. R. 13097. An act for the relief of Thomas W. Moore;

H. R. 13251. An act to provide for the vocational rehabilitation of disabled residents of the District of Columbia, and for other purposes;

H. R. 13260. An act for the relief of Josiah Harden;

H. R. 13302. An act granting a pension to the survivors of the Jeanette relief expedition;

H. R. 13930. An act to authorize an appropriation for the American group of the Interparliamentary Union;

H. R. 14057. An act for the relief of Edmund F. Hubbard;

H. J. Res. 76. Joint resolution for the relief of Leah Frank, Creek Indian, new born, roll No. 294;

H. J. Res. 129. Joint resolution for the appointment of a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers;

H. J. Res. 168. Joint resolution for the appointment of W. S. Albright, of Kansas, as a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers;

H. J. Res. 193. Joint resolution for the appointment of Roy L. Marston, of Maine, as a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers;

H. J. Res. 260. Joint resolution for the relief of Eloise Childers, Creek Indian, minor, roll No. 354; and

H. J. Res. 261. Joint resolution for the relief of Effa Cowe, Creek Indian, new born, roll No. 78.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

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

H. R. 4963. An act for the relief of the Randolph-Macon Academy, Front Royal, Va.;

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

H. R. 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. 10714. An act for the relief of T. Abraham Hetrick;

H. R. 12110. An act to amend the act entitled "An act to readjust the pay and allowances of the commissioned and en-

listed personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922, as amended;

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;

H. R. 13446. An act to amend the national defense act;

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;

H. J. Res. 140. Joint resolution to amend sections 1 and 2 of the act of March 3, 1891;

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

H. J. Res. 318. 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).

CALL OF THE ROLL

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

The VICE PRESIDENT. The clerk will call the roll.

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

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

The VICE PRESIDENT. Eighty-four Senators having answered to their names, a quorum is present.

PETITION

Mr. COPELAND presented a petition of sundry citizens of New York City, N. Y., praying for the passage of the so-called Walsh resolution, being the joint resolution (S. J. Res. 122) to permit admission within the quota of relatives of declarants who have been admitted to the United States prior to July 1, 1924, which was referred to the Committee on Immigration.

REPORTS OF COMMITTEES

Mr. NYE (for Mr. SCHALL), from the Committee on Indian Affairs, to which was referred the bill (S. 4488) declaring the purpose of Congress in passing the act of June 2, 1924 (43 Stat. 253), to confer full citizenship upon the Eastern Band of Cherokee Indians, and further declaring that it was not the purpose of Congress in passing the act of June 4, 1924 (43 Stat. 376), to repeal, abridge, or modify the provisions of the former act as to the citizenship of said Indians, reported it without amendment and submitted a report (No. 1295) thereon.

Mr. DILL, from the Committee on Patents, to which was referred the joint resolution (S. J. Res. 35) to amend section 3 of the joint resolution entitled "Joint resolution for the purpose of promoting efficiency, for the utilization of the resources and industries of the United States, etc.," approved February 8, 1918, reported it without amendment.

Mr. METCALF, from the Committee on Patents, submitted the views of the minority to accompany Senate Joint Resolution 35, just above reported from the same committee, which were ordered to be printed as Report No. 1300.

He also, from the same committee, to which was referred the bill (H. R. 10435) providing for the extension of the time limitations under which patents were issued in the case of persons who served in the military or naval forces of the United States during the World War, reported it without amendment and submitted a report (No. 1296) thereon.

Mr. BLAINE, from the Committee on the Judiciary, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 9049) to amend section 227 of the Judicial Code (Rept. No. 1298); and

A bill (H. R. 9051) to amend section 1 of the act of February 22, 1875, entitled "An act regulating fees and costs, and for other purposes" (Rept. No. 1299).

Mr. STECK, from the Committee on Military Affairs, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 3170) for the relief of Franklin B. Morse (Rept. No. 1301);

A bill (H. R. 1533) for the relief of Theodore Herbert (Rept. No. 1302); and

A bill (H. R. 3723) for the relief of John M. Andrews (Rept. No. 1303).

Mr. BAYARD, from the Committee on Claims, to which was referred the bill (S. 4337) for the relief of Booth & Co. (Inc.), a Delaware corporation, reported it without amendment and submitted a report (No. 1304) thereon.

Mr. McNARY, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 4470) authorizing and directing the Secretary of Agriculture to establish and maintain a dairy and livestock experiment and demonstration station for the South at or near Lewisburg, Tenn., reported it without amendment and submitted a report (No. 1305) thereon.

Mr. LOCHER, from the Committee on Military Affairs, to which was referred the bill (H. R. 12938) for the relief of the State of Ohio, reported it without amendment and submitted a report (No. 1306) thereon.

Mr. HOWELL, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 7378) for the relief of Wade Allen and Ed Johnson (Rept. No. 1318);

A bill (H. R. 8529) authorizing the Court of Claims to hear and determine questions of law involved in the alleged erroneous collection of tonnage taxes in 1920 and 1921 on three vessels operated by the Standard Oil Co. of New Jersey under bareboat charter from a Danzig corporation (Rept. No. 1307);

A bill (H. R. 9319) for the relief of the Glens Falls Insurance Co., of Glens Falls, N. Y. (Rept. No. 1308);

A bill (H. R. 9320) for the relief of the Home Insurance Co., of New York, N. Y. (Rept. No. 1309);

A bill (H. R. 9710) for the relief of the State of South Carolina (Rept. No. 1310); and

A bill (H. R. 12280) for the relief of Lula Lewis (Rept. No. 1319).

Mr. HOWELL also, from the Committee on Claims, to which was referred the bill (H. R. 5944) for the relief of Walter D. Lovell, reported it with an amendment and submitted a report (No. 1311) thereon.

Mr. STEIWER, from the Committee on Claims, to which was referred the bill (H. R. 3844) for the relief of Myra Madry, reported it without amendment and submitted a report (No. 1312) thereon.

Mr. McMASTER, from the Committee on Claims, to which was referred the bill (S. 2441) for the relief of Frank Murray, reported it with an amendment and submitted a report (No. 1314) thereon.

Mr. HALE, from the Committee on Naval Affairs, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 4570) to authorize alterations and repairs to certain naval vessels (Rept. No. 1315);

A bill (S. 4571) to authorize an increase in the limit of cost of one fleet submarine (Rept. No. 1316); and

A bill (S. 4572) to authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes (Rept. No. 1317).

Mr. CAPPER, from the Committee on the District of Columbia, to which was referred the joint resolution (H. J. Res. 307) to preserve for development the potential water power and park facilities of the gorge and Great Falls of the Potomac River reported it without amendment.

ENROLLED BILLS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that this day—May 26, 1928—that committee presented to the President of the United States the following enrolled bills:

S. 1822. An act to authorize the Secretary of War to transfer or loan aeronautical equipment to museums and educational institutions;

S. 2535. An act granting to the State of New Mexico certain lands for reimbursement of the counties of Grant, Luna, Hidalgo, and Santa Fe for interest paid on railroad-aid bonds, and for the payment of the principal of railroad-aid bonds issued by the town of Silver City and to reimburse said town for interest paid on said bonds, and for other purposes;

S. 3593. An act to authorize the leasing or sale of lands reserved for agency, schools, and other purposes, on the Fort Peck Indian Reservation, Mont.;

S. 3620. An act granting certain land to the congregation of St. Joseph's Roman Catholic Church in the parish of East Baton Rouge, La.;

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;

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

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. 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 the 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. 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.; and

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.

PROPOSED AMENDMENT OF JUDICIAL CODE

Mr. NORRIS. Mr. President, I was directed by the Committee on the Judiciary at its meeting this morning to make a request of the Senate, which I will submit as soon as I have made an explanatory introduction.

Near the beginning of the present session there was introduced by the Senator from Minnesota [Mr. SHIPSTEAD] a bill to amend the Judicial Code, which is generally known throughout the country as the injunction bill. A subcommittee was appointed, consisting of the Senator from Wisconsin [Mr. BLAINE], the Senator from Montana [Mr. WALSH], and myself, to consider the bill. The subcommittee had very extensive hearings, gave it a great deal of consideration, and devoted a great deal of time to it, and finally unanimously reported to the full committee a substitute bill. It was intended to try to get that bill reported from the full committee, but in the last week or two it has been an impossibility, on account of the pressure of work on all Senators which everybody understands, to give it the consideration which a bill of such importance deserves.

At the meeting of the Judiciary Committee this morning I was asked to have the bill, in the form in which the subcommittee reported it to the full committee and the form in which it is now pending before the full committee, printed in the RECORD in order that we might give as much publicity to it as possible, and inform the Senate and the country to the greatest possible extent as to just what is pending before the Committee on the Judiciary.

I therefore ask, as a part of my remarks, to have inserted in the RECORD at this point a copy of the bill which contains the substitute prepared and recommended by the subcommittee.

The VICE PRESIDENT. Is there objection?

Mr. BORAH. Mr. President, as I understand, this is not intended in any sense as a report of the committee?

Mr. NORRIS. Oh, no.

Mr. BRUCE. I understand it is not the intention of the Senator to press the matter at this time?

Mr. NORRIS. Oh, no; not at all. The committee themselves have not yet acted on the report of the subcommittee. We realize that it is a bill of great importance, and we do not want to have anything occur which might lead anyone to believe that the subcommittee or the committee itself were reporting a bill of such importance without full consideration. We want to give it as much publicity as possible. We are not reporting the bill at this time.

Mr. ROBINSON of Arkansas. It is merely a request to have the bill printed in the RECORD?

Mr. NORRIS. That is all. We want to give it as much publicity as possible.

The VICE PRESIDENT. Without objection, it is so ordered.

The bill referred to is as follows:

A bill (S. 1482) to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes

Be it enacted, etc., That no court of the United States, as herein defined, shall have jurisdiction to issue any restraining order or injunction in a case involving or growing out of a labor dispute, except—

(a) When the procedure followed and the order issued by the court shall conform to the definitions of, and the limitations upon, the jurisdiction and authority of the court contained in this act; and

(b) When the issuance of such a restraining order or injunction shall not be contrary to the public policy declared in this act.

SEC. 2. In the interpretation of this act and in determining the jurisdiction and authority of the courts of the United States, as such jurisdiction and authority are herein defined and limited, the public policy of the United States is hereby declared as follows:

Whereas under prevailing economic conditions, developed with the aid of governmental authority for owners of property to organize in the corporate and other forms of ownership association, the individual unorganized worker is commonly helpless to exercise actual liberty of contract and to protect his freedom of labor, and thereby to obtain acceptable terms and conditions of employment, wherefore it is necessary that he have full freedom of association, self-organization, and designation of representatives of his own choosing to negotiate the terms and conditions of his employment, and that he shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection; therefore the following definitions of, and limitations upon, the jurisdiction and authority of the courts of the United States are hereby enacted.

SEC. 3. No undertaking or promise, such as is described in this section, or any other undertaking or promise contrary to the public policy declared in section 2 of this act, shall be enforceable or shall afford any basis for the granting of legal or equitable relief by any court of the United States, including specifically the following:

Every undertaking or promise hereafter made, whether written or oral, express or implied, constituting or contained in any contract or agreement of hiring or employment between any individual, firm, company, association, or corporation, and any employee or prospective employee of the same, whereby—

(a) Either party to such contract or agreement undertakes or promises not to join, become, or remain a member of any labor organization or of any employer organization; or

(b) Either party to such contract or agreement understakes or promises that he will withdraw from an employment relation in the event that he joins, becomes, or remains a member of any labor organization or of any employer organization.

SEC. 4. No court of the United States shall have jurisdiction to issue any restraining order or injunction in cases involving or growing out of any labor dispute to prohibit any person or persons participating and interested in such dispute (as these terms are herein defined) from doing, whether singly or in concert, any of the following acts:

(a) Ceasing or refusing to perform any work or to remain in any relation of employment;

(b) Becoming or remaining a member of any labor organization or of any employer organization, regardless of any such undertaking or promise as is described in section 3 of this act;

(c) Paying or giving to, or withholding from, any person participating and interested in such labor dispute any strike or unemployment benefits or insurance or other moneys or things of value;

(d) By all lawful means aiding any person participating and interested in any labor dispute who is being proceeded against in, or is prosecuting, any action or suit in any court of the United States or of any State;

(e) Giving publicity to the existence of, or the facts involved in, any labor dispute, whether by advertising, speaking, patrolling, or by any other method not involving fraud or violence;

(f) Assembling peaceably to act or to organize to act in promotion of their interests in a labor dispute;

(g) Advising or notifying any person of an intention to do any of the acts heretofore specified;

(h) Agreeing with other persons to do or not to do any of the acts heretofore specified; and

(i) Advising, urging, or otherwise causing or inducing without fraud or violence the acts heretofore specified, regardless of any such undertaking or promise as is described in section 3 of this act.

SEC. 5. No court of the United States shall have jurisdiction to issue a restraining order or injunction upon the ground that any of the persons participating and interested in a labor dispute constitute or are engaged in an unlawful combination or conspiracy because of the doing in concert of the acts enumerated in section 4 of this act.

SEC. 6. No officer or member of any association or organization, and no association or organization participating and interested in a labor dispute, shall be held responsible or liable in any court of the United States for the unlawful acts of individual officers, members, or agents, except upon clear proof of actual participation in, or actual authorization of, such acts, or of ratification of such acts after actual knowledge thereof.

SEC. 7. No court of the United States shall have jurisdiction to issue an injunction in any case involving or growing out of a labor dispute, as herein defined, except after hearing the testimony of witnesses in open court (with opportunity for cross-examination) in support of the allegations of a complaint made under oath, and except after finding of fact by the court, to the effect—

(a) That unlawful acts have been committed and will be continued unless restrained;

(b) That substantial and irreparable injury to complainant's property will follow;

(c) That as to each item of relief sought greater injury will be inflicted upon complainant by the denial of relief than will be inflicted upon defendants by the granting of relief;

(d) That complainant has no adequate remedy at law; and

(e) That the public officers charged with the duty to protect complainant's property are unable or unwilling to furnish adequate protection.

Such hearing shall be held after due and personal notice thereof has been given, in such manner as the court shall direct, to all known persons against whom relief is sought, and also to those public officers charged with the duty to protect complainant's property: *Provided, however,* That if a complainant shall also allege that, unless a temporary restraining order shall be issued without notice, a substantial and irreparable injury to complainant's property will be unavoidable, such a temporary restraining order may be issued upon testimony under oath sufficient, if sustained, to justify the court in issuing a temporary injunction upon a hearing after notice. Such a temporary restraining order shall be effective for no longer than five days, and shall become void at the expiration of said five days. No temporary restraining order or temporary injunction shall be issued except on condition that complainant shall first file a bond sufficient to recompense those enjoined for any loss, expense, or damage caused by the improvident issuance of such order or injunction, including all reasonable costs (together with a reasonable attorney's fee) and expense of defense against the order or against the granting of any injunctive relief sought in the same proceeding and subsequently denied by the court.

SEC. 7a. No restraining order or injunctive relief shall be granted to any complainant who has failed to comply with any obligation imposed by law which is involved in the labor dispute in question, or who has failed to make every reasonable effort to settle such dispute either by negotiation or with the aid of any available governmental machinery of mediation or arbitration.

SEC. 7b. No restraining order or temporary injunction shall be granted in a case involving or growing out of a labor dispute, except on the basis of findings of fact made and filed by the court in the record of the case prior to the issuance of such order or injunction.

SEC. 7c. Whenever any court of the United States shall issue or deny any temporary injunction in a case involving or growing out of a labor dispute, the court shall, upon the request of any party to the proceedings, forthwith certify the entire record of the case, including a transcript of the evidence taken, to the circuit court of appeals for its review. Upon the filing of such record in the circuit court of appeals, the appeal shall be heard and the temporary injunctive order affirmed, modified, or set aside with the greatest possible expedition, giving the proceeding precedence over all other matters except older matters of the same character.

SEC. 8. In all cases where a person shall be charged with indirect criminal contempt for violation of a restraining order or injunction issued by a court of the United States (as herein defined), the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the contempt shall have been committed: *Provided,* That this requirement shall not be construed to apply to contempts committed in the presence of the court or so near thereto as to interfere with the administration of justice or to apply to the misbehavior, misconduct, or disobedience of any officer of the court in respect to the writs, orders, or process of the court.

SEC. 9. When used in this act, and for the purposes of this act—

(a) A case shall be held to involve or to grow out of a labor dispute if the case involves persons who are engaged in the same industry, trade, craft, or occupation; or who are employees of the same employer; or who are members of the same organization of employers or employees; whether such dispute is (1) between one or more employers or associations of employers and one or more employers or associations of employees; (2) between one or more employers or associations of employers and one or more employers or associations of employers; or (3) between one or more employers or associations of employers and one or more employees or associations of employees.

(b) A person or association shall be held to be a person participating and interested in a labor dispute if relief is sought against him or it and if he or it is engaged in the same industry, trade, craft, or occupation in which such dispute occurs, or is a member, officer, or agent of any association of employers or employees engaged in such industry, trade, craft, or occupation.

(c) The term "labor dispute" includes any controversy concerning terms or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms and conditions of employment, or concerning employment relations, or any other controversy arising out of the respective interests of employer and employee, regardless of whether or not the disputants stand in the proximate relation of employer and employee.

(d) The term "court of the United States" means any court of the United States whose jurisdiction has been or many be conferred or defined or limited by act of Congress.

SEC. 10. If any provision of this act or the application thereof to any person or circumstance is held invalid, the remainder of the act and the application of such provisions to other persons or circumstances shall not be affected thereby.

SEC. 11. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Amend the title so as to read: "A bill to define and limit the jurisdiction of the courts of the United States, and for other purposes."

DEFICIENCY APPROPRIATIONS—CONFERENCE REPORT

Mr. WARREN. Mr. President, I present a conference on the second deficiency appropriation bill and ask for its adoption.

The VICE PRESIDENT. The clerk will read the report.

The Chief Clerk read the conference report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13873) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1928, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1928, and June 30, 1929, and for other purposes, 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 22, 23, 30, 36, 51, 52, 62, 68, 69, 72, 85, 86, 88, 93, and 122.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 24, 26, 28, 29, 31, 32, 33, 34, 35, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 53, 54, 55, 56, 57, 59, 60, 61, 63, 64, 65, 66, 67, 71, 73, 74, 75, 76, 77, 78, 79, 80, 81, 83, 84, 87, 90, 91, 92, 94, 95, 96, 97, 98, 99, 100, 101, 102, 104, 105, 106, 107, 108, 109, 110, 111, 112, 114, 116, 117, 119, 120, 121, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, and 137, and agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment, insert "$12,000"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment insert the following as a new paragraph:

"The sum of $60,000 of the foregoing sums under Employees' Compensation Commission, applicable to the enforcement of the act entitled 'An act to provide compensation for disability or death resulting from injury to employees in certain employments in the District of Columbia, and for other purposes,' approved May 17, 1928, shall be chargeable to the District of Columbia and paid in like manner as other appropriations of the District of Columbia are paid."

And the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"GENERAL ACCOUNTING OFFICE

"To enable the General Accounting Office to report to Congress the amount of the funds of the several Indian tribes, the investment thereof, the rate of interest thereon, and such additional information pertinent to the funds of such tribes as may be essential, including the employment in the District of Columbia and elsewhere of the necessary personal services without regard to civil service laws and regulations, fiscal years 1928 and 1929, $20,000."

And the Senate agree to the same.

Amendment numbered 58: That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"AIRCRAFT IN COMMERCE

"Aircraft in commerce: For an additional amount covering the same objects and purposes as specified under this head in the act making appropriations for the Department of Commerce for the fiscal year 1928, $72,500, to remain available until June 30, 1929, of which amount not to exceed $35,000 may be expended for personal services in the District of Columbia.

"Air navigation facilities: For an additional amount covering the same objects and purposes as specified under this head in the act making appropriations for the Department of Commerce for the fiscal year 1928, $1,000,000, to remain available until June 30, 1929, of which amount not to exceed $15,360 may be expended for personal services in the District of Columbia."

And the Senate agree to the same.

Amendment numbered 70: That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "and/or"; and the Senate agree to the same.

Amendment numbered 82: That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$35,000"; and the Senate agree to the same.

Amendment numbered 89: That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"INCREASE OF THE NAVY

"Construction and machinery: Toward the preparation of plans and estimates of cost of hulls and outfits of vessels and machinery of vessels authorized in the 'Act making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes,' approved August 29, 1916, fiscal year 1929, $200,000, to remain available until expended."

And the Senate agree to the same.

Amendment numbered 103: That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$7,000,000"; and the Senate agree to the same.

Amendment numbered 113: That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment as follows: In lines 5 and 6 of the matter inserted by said amendment strike out "(H. R. 11134, Seventieth Congress)"; and the Senate agree to the same.

Amendment numbered 115: That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment as follows: In lines 4 and 5 of the matter inserted by said amendment strike out the words "fiscal year 1928" and insert in lieu thereof "fiscal years 1928 and 1929"; and the Senate agree to the same.

Amendment numbered 118: That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment as follows: After the sum "$193,500" insert the following: "to be subject to the terms and conditions as set forth in such act"; and the Senate agree to the same.

Amendment numbered 123: That the House recede from its disagreement to the amendment of the Senate numbered 123, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$10,000"; and the Senate agree to the same.

F. E. WARREN,
CHARLES CURTIS,
LEE S. OVERMAN,
Managers on the part of the Senate.

WILL R. WOOD,
LOUIS C. CRAMTON,
JOSEPH W. BYRNS,
Managers on the part of the House.

Mr. HALE. Mr. President, on page 62 of the bill as it passed the Senate there was inserted an amendment under "Pay, miscellaneous: Not to exceed $20,000 of the amount appropriated for pay, miscellaneous, in the naval appropriation act for the fiscal year 1929, shall be available for expenses, including payment for the services of experts in connection with the research and investigation of safety devices and appliances for submarines."

I understand from the conference report that this amendment has been left out. I understand further that it was left out not to stop the appointment of the commission of experts but because the House thought that the matter was taken care of under an appropriation which was made in the naval appropriation bill for the coming year. Am I correct, may I ask the Senator in charge of the bill?

Mr. CURTIS. Mr. President, that was the understanding of the conferees and the assurance which was given. The provision of the law was read to us in that connection.

Mr. HALE. And there is sufficient law already existing for the appointment of such a commission and an appropriation already in force under which it can be taken care of?

Mr. CURTIS. That is the understanding.

Mr. HALE. I want it distinctly understood that there is no intention on the part of Congress to prevent the appointment of this commission of experts, which is of great importance to the safety of the Navy.

Mr. WARREN. Oh, no. The Senate conferees were compelled to take the views of the House conferees because they were able to show to our satisfaction that the appointment of the commission will not be interfered with.

Mr. HALE. Then the matter is satisfactorily taken care of?

Mr. WARREN. Yes.

Mr. BINGHAM. Mr. President, I desire to say a few words on the conference report. The chairman of the committee [Mr. WARREN] will remember that I was greatly interested in two items in the bill which the House conferees have not been willing to agree to.

The first one is in regard to aviation. The growth of aviation in the last few months, since the flight of Colonel Lindbergh, has been phenomenal. Those most interested in aviation, even those most optimistic, have been amazed at the rapidity of the growth of commercial aviation. Whereas a couple of years ago there were very few planes being built for commercial aviation, not more than two or three hundred in a year, in this present year the estimate runs between 4,000 and 5,000. One of the large companies building cheap planes for commercial aviation will soon be producing at least one plane an hour.

Statistics published by the Department of Commerce show that the great number of accidents in aviation which have taken place within the last year in commercial aviation have been due to uninspected planes and unexamined pilots. Where the pilots have been passed by the Department of Commerce and have received their Federal license, and where the planes have been passed upon by the Department of Commerce or by some well-equipped State aviation commissioner, such as those in Massachusetts and Connecticut, accidents have been at a minimum.

The Department of Commerce, not realizing the tremendous growth that was going to take place, did not come before the Budget Bureau in time to present successfully its claims for the regular appropriation for the Department of Commerce for the money needed for inspection purposes. The Assistant Secretary of Commerce for Aeronautics came before the committee and at our request showed the committee the necessity for his department having 16 more planes in order that the inspectors might fly readily from field to field and from factory to factory and not delay the production of commercial planes and not delay the licensing of pilots.

The number of schools that teach flying has increased enormously in the last few months. There are now more than 200 such schools. The number of factories is constantly increasing. We are not asking for more inspectors, but a request was made for more planes for the department in order that less time might be lost and in order that the planes might be passed upon more rapidly.

The committee finally recommended an appropriation of about $125,000 additional, in order to purchase 11 more planes for the Department of Commerce, not all that were considered needed but what the committee thought might profitably be used, and also to provide additional clerical force here in Washington, where the business of that department has so increased during the last few months that the clerks have been working at night, and the progress of commercial aviation has been seriously hampered, due to the lack of clerical force and the lack of appropriations. The Senate approved of this appropriation, but the House committee refused to allow a single dollar of the $125,000 additional that the Senate put in.

Mr. REED of Missouri. Mr. President, what does the Department of Commerce need with airplanes?

Mr. BINGHAM. The planes are used, I will say to the Senator, for flying from one field to another, and from one factory to another, in the examination of pilots and the inspection of planes. For instance, in the district in the West where the

most planes are being manufactured, in the vicinity of Kansas, and particularly in Wichita—and planes are also being manufactured in Denver—there is only one inspector provided for that district. By flying back and forth between Wichita and Denver and the other places in that section where pilots are being trained and planes are being built time is saved, and, instead of production being held back, production would be increased if a plane were provided for that inspector. The same thing holds true as to other districts.

Mr. REED of Missouri. How many additional planes does the department want?

Mr. BINGHAM. The department asked for 16 additional planes, but the Senate committee thought that 11 were all that were necessary.

Mr. REED of Missouri. Was there any provision that they could not be used in the coming campaign?

Mr. BINGHAM. The Senator from Connecticut thought the Senator from Missouri was going to ask other than a personal question.

Mr. President, it is very difficult to understand the action of the House conferees in the matter of holding back the progress of commercial aviation.

It is also difficult to understand the action of the House in refusing to permit $31,000 to be appropriated to bring back consular and diplomatic agents of the United States in distant lands—Japan, China, India, and Australia—who are due for their furloughs under the Rogers Act. They have a right to be brought home every three years. Every other department of the Government that maintains agents abroad, except the State Department, brings its agents home every three years. Every business house that maintains agents in distant lands brings them and their families home every three years. The missionary societies succeed in raising enough money to bring the missionaries home on furlough; but this Government is too poor to keep its word under the law which it passed in the Rogers Act to bring back our faithful representatives in China, India, and Australia at the end of their three-year term for furlough. There are 11 officers in China due for furlough this year who can not be brought home because the House of Representatives was unwilling to provide for their expenses and those of other agents of the Government in the Consular and Diplomatic Service in Japan, India, and Australia.

Mr. WARREN. Mr. President, I hope the Senator from Connecticut will not be too severe on the Government. There has been a refusal to agree to this item several times. It may be the Government's fault; but I try to be a good enough sport to accept the situation, and when I find it impossible to get the House to concur in the action of the Senate, I try again. I beg the Senator to do as we must all do—get what we can and not make too wry a face because of what we can not get.

Mr. BINGHAM. Mr. President, I was not in the slightest degree casting any aspersions on the Senate members of the conference committee, but merely desiring to make my protest in order that the country may know that while the Senate was willing to see that the Government of the United States should keep its word to its agents in foreign countries, the House of Representatives was unwilling to provide the trip home for those agents and their families which they had a right to expect under the Rogers Act.

Mr. BINGHAM subsequently said: Mr. President, a few moments ago I made some remarks about the fact that the House of Representatives was unwilling to appropriate certain moneys needed for the development of commercial aviation and to appropriate certain moneys needed for bringing our foreign representatives home from distant posts.

In fairness to the House of Representatives, I would like to add that the reason given by the conferees of the House, I have since learned, was that the Budget failed to recommend these two items. So the Budget must share with the House of Representatives the blame for being unwilling to keep faith with our foreign officers who go abroad with the idea that they are going to be brought home with their families every three years, and the Budget must share with the House of Representatives an unwillingness to provide the money necessary for the proper development of commercial aviation, the need for which was set forth in the hearings by the Assistant Secretary of Commerce for Aeronautics.

Mr. WARREN. The Senator is right as to that.

Mr. BRATTON obtained the floor.

Mr. DILL. Mr. President, will the Senator yield to me for a moment?

Mr. BRATTON. I yield.

Mr. WARREN. Mr. President, under the rules the conference report must be either accepted or rejected, but I do not wish to prevent any Senator from speaking who desires to speak on the conference report.

Mr. DILL. I merely desire to submit a report and introduce a bill.

Mr. WARREN. I say I have no disposition to prevent any Senator speaking upon the conference report, but I should like to ask that other business await its disposal.

Mr. BRATTON. Mr. President, there is one provision in the conference report concerning which I desire to express myself briefly. I refer to the amendment appearing on page 44 of the bill relating to the appropriation of money for the purchase of lands for the Navajo Indians.

The Navajo Indian Reservation lies partly in Arizona and partly in New Mexico. It is thought by the Bureau of Indian Affairs that the Indians need additional land upon which to sustain themselves. With that conclusion I have no controversy. This bill appropriates $200,000 for that purpose. I made no opposition to that in the committee nor when the bill was considered by the Senate; but an unusual thing has occurred in connection with that amendment.

The House inserted an authorization of $1,200,000 for the purpose of purchasing lands and water rights for the use and benefit of these Indians. Mr. President, the remarkability of inserting an authorization of that amount in a deficiency bill must inspire wonderment in the mind of every Member of this body. I realize the futility of endeavoring to correct the situation at this late day. This is a deficiency appropriation bill presented on the eve of adjournment; it is an important measure; but I wonder at the purpose of inserting an authorization exceeding a million dollars in this procedural manner, especially so in view of the fact that the Committee on Indian Affairs is charged with the duty under a resolution adopted during the session of investigating the entire subject of Indian conditions throughout the country. The committee expects to travel through the States where Indians reside and to give personal attention to their several conditions and then to make a comprehensive report at the next session of Congress. It is untimely, it is unusual, it is out of the ordinary under the circumstances to insert a proposition of this kind in a deficiency bill and make it futile to offer opposition.

I desire to say at this time, Mr. President, that I do not concur in the action of the House and I regret that the conferees on the part of the Senate felt impelled to yield. The Senate committee at my request struck out the authorization; the Senate itself approved the action of the committee; but in conference it was necessary to yield to the House.

I content myself with voicing my disapproval here and to say that, before that appropriation shall be made, I hope the Committee on Indian Affairs will give serious consideration to the actual condition of the Navajo Indians, and I myself expect to have more to say regarding the matter. The authorization presented in this unusual manner shall not go into effect until I do have the opportunity to be heard in the regular way.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. JOHNSON. Mr. President, I wish first to express my concurrence in what has been said by the Senator from New Mexico [Mr. BRATTON].

Next, Mr. President, I ask the attention of the Members of the Senate for just a moment or two to another matter. Within the hour now, or during this day, there will be presented to the Senate a concurrent resolution providing for the adjournment of the Congress on Tuesday next. Unfortunately, under previous rulings which have been made, such concurrent resolutions, as I understand it, have been held not to be debatable, and while I think the decision in that regard is wholly illogical and is not justified by the law or the precedents, probably the Presiding Officer will feel constrained to follow what has been done in the past. I know nothing of that; but while the opportunity presents itself to me, I want to register my protest, first, as a Member of this body; secondly, as one who believes that there yet rests in the Senate of the United States sufficient power and sufficient courage to legislate on subjects that are legitimately before this body, and that yet there is sufficient patriotism and sufficient desire to do our duty, not to adjourn while important measures are pending.

It is my intention, sir, to offer an amendment to the concurrent resolution that shall be presented, providing, first, an extension of just one week, seven days, in order that we may complete our business. If that amendment shall not be carried, then I intend to offer an amendment to the concurrent resolution granting us only until Saturday night next, a week from to-day, in which to complete our business.

Now, sir, that you may understand that I do not speak from the standpoint of one measure alone—although that would authorize me in speaking and would justify this body in remaining in session until that measure is voted upon—may I call to the attention of the Chair and the Senate the fact that

not only is that measure, the Boulder Dam project, pending before this body as the unfinished business, upon which we are entitled to a vote—either a vote up or a vote down, I do not care which, but upon which we are entitled to a vote—but there are pending other measures of very great importance to this Nation upon which this body should act.

There is pending before this body—and it is immaterial whether you believe in one side or the other concerning that measure—the great naval bill. The sponsors for that bill insist that it is an absolute essential to the national defense that that bill shall be acted upon. It is entitled to action by this body.

There is pending before this body, sir, the measure of the Senator from Missouri [Mr. HAWES], which he says, and I believe, is of very grave importance to the people of his territory, and to all of the States that are adjacent to the Mississippi River, and to the particular part of the country that is embraced within that bill.

There is pending here, sir, a measure upon which the Senator from Virginia [Mr. GLASS] has endeavored to have a vote, that relates entirely to a local matter, but upon which undoubtedly he is entitled to action by the Senate of the United States.

There are pending here certain measures that are in charge of the Senator from Pennsylvania [Mr. REED] upon which, from his standpoint, great, important issues portend, and upon which he is entitled to action before this body.

There are other measures, too. Upon what theory, sir, with the measures that are thus pending before this body, shall we say that we will adjourn on Tuesday next? Is it, as is asserted, for the national conventions? Not a bit of it, because, if it is desired to attend the national convention, a week more will enable that attendance just as well. Certainly four days more, to the end of the week, will enable any man to attend the national conventions as he may desire, and to engage in such political activities as his conscience may dictate.

Upon what theory, then, sir, do we adjourn on Tuesday next without this important legislation that is pending at least having a hearing before the Senate? I will not believe and I can not believe that the adjournment is proposed to be taken at this hour solely that we may not have the chance to vote upon these measures. That would be a reflection upon the Senate in which I could not indulge; and it would be a reflection, indeed, that would make every man in this body hang his head.

Why, then, are we to adjourn on Tuesday next? Why is it essential that unfinished business should be left here—business in which the people of this Nation are so vitally interested; business, sir, upon which the fate of peoples may depend? Why adjourn on Tuesday next?

If we are unable, sir, to give the time that is necessary to the business of this Nation in this body, let us quit altogether and confess it; but if, sir, there is business before this body that demands attention—and no man denies it—if, sir, there are measures before the Senate that are entitled to be acted upon, let us stay here until we act upon them; and at least, when this resolution for adjournment is presented during the day, let us refuse to concur in it until we shall have acted upon the people's business and have done our duty as representatives of our constituencies.

Mr. HALE. Mr. President, I have listened with interest to the statement made by the Senator from California [Mr. JOHNSON], and I thoroughly agree with him that we should not adjourn until business of importance that is before the Senate has been attended to.

One of the most important, if not the most important, bills now before the Senate is the naval construction bill, a bill of tremendous importance to the national defense.

When the Geneva conference met last summer at the instigation of the President of the United States, an attempt was made to reach a limitation of armament on ships other than those that were taken care of in the Washington conference. It was not found possible to reach an agreement. The British took the ground that they must have a navy that could take care of their national needs, and that called for a navy with very many more cruisers than we have in our Navy.

Shortly after Congress met last fall the Navy Department, with the approval of the President of the United States, submitted a program for modern ship construction which cared for the needs of our Navy. The House took this program and cut it down to the very modest program which is included in this naval construction bill. The House passed the bill by a very large vote. There was practically no opposition. The matter came over to the Senate. The Senate Committee on Naval Affairs has reported favorably on the bill and it is now before us.

Mr. President, navies do not stand still. Either you must keep them up in efficiency and in modern construction to the other navies of the world or they fall behind. That, Mr. President, is what has happened to our Navy. Since the Washington conference there has been very little modern construction in this country, while the other nations that were parties to the Washington conference have gone ahead with very large programs. In the particular class of ships which is taken care of in this bill, the cruisers, we are in the condition of a college eight-oared crew where one of the oars is manned by a small boy instead of by a trained college athlete.

I believe that if we fail to pass this bill at the present session it is going to be taken by the rest of the world as an indication that this country no longer intends to maintain the ratio of the Washington conference as applied to the Navy as a whole. I believe, further, that our influence in the 1931 conference on limitation of naval armament, which under the terms of the Washington conference is to be held, will be greatly diminished. It is of the greatest importance that this bill be passed at this session of Congress. We have no right to adjourn while matters of the importance of this bill are pending, and I am thoroughly in sympathy with the statement made by the Senator from California.

Now, Mr. President, I wish to make a request. I present two editorials to which I want the Senate to listen. They are not long. One is from the New York Herald Tribune and the other is from the New York Times. I also present a news statement from the Herald Tribune. I ask the clerk to read them, and I will say that at a later period in the day I shall move to take up the naval construction bill and to displace the bill of the Senator from California, not because I do not think his bill is an important bill but because the bill I am speaking about is of such vital importance to the national defense of this country.

Mr. WARREN. Mr. President, a question of order.

Mr. HALE. I should like to have the editorials read by the clerk of the Senate. If that is not in order, I will read them myself.

Mr. WARREN. I am not objecting to that; but I am asking whether we have disposed of my motion to agree to the conference report?

The VICE PRESIDENT. The motion has not been disposed of as yet. The question is upon agreeing to the conference report.

Mr. WARREN. I ask that that be first approved.

Mr. HALE. I have no objection to the Senator going through with his conference report if these editorials will be read immediately on its conclusion.

The VICE PRESIDENT. Without objection, the editorials will be read after the action on the conference report.

Mr. ODDIE. Mr. President——

The VICE PRESIDENT. The Senator from Nevada.

Mr. ODDIE. Mr. President, I want to raise my voice in protest against adjourning until the business that has been mentioned by the Senator from California [Mr. JOHNSON] and the Senator from Maine [Mr. HALE] has been disposed of.

There is another item of business which is hanging over our heads to-day and which is of the utmost importance to every State in this Union. That is the success or failure of the good roads bill, the Federal aid highway bill.

Mr. HALE. Mr. President, I yielded simply for action on the conference report. I do not think the Senator ought to go on before the editorials are read.

Mr. ODDIE. Mr. President, I can finish what I have to say in two minutes.

Mr. JOHNSON. The Senator from Maine can not prevent the Senator from Nevada from making his statement or argument.

The VICE PRESIDENT. The Senator from Nevada has the floor.

Mr. HEFLIN. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Alabama?

Mr. HEFLIN. If the Senator will permit me a moment, the Senator from Nevada has a right to speak in his own time. The Senator from Maine can not yield the floor under such conditions and tie the hands of every other Senator, however.

The VICE PRESIDENT. The Chair has recognized the Senator from Nevada.

Mr. ODDIE. Mr. President, the danger that is threatening us is a pocket veto of the Federal aid road bill. The legislation has passed both Houses. It has been before the President for several days. I just inquired of the White House and found that the President had not signed the bill. He has until the 2d of June to veto that bill. If we adjourn on the 29th, as is proposed, we may lose that legislation, and the cause of good roads in this country will be put back many years.

Mr. President, our Government owes an obligation to the States to continue this Federal-aid road appropriation. The Budget sent a message to the Department of Agriculture which was forwarded to the Committee on Post Offices and Post Roads of the Senate a short time ago in which it said:

In reply, I have to advise that if the existing Federal tax on automobiles is repealed, the proposed legislation—

That is, the Federal aid bill—

would be in conflict with the financial program of the President.

The President, in other words, through the Budget, threatened to veto the good-roads legislation if Congress repealed the excise tax on automobiles. Congress has repealed the excise tax on automobiles, and we are faced by this threatened veto.

Mr. President, in the name of the good-roads associations, the motorists of the country, and the citizens of the United States, as well as in the name of the Senate, I ask that this concurrent resolution providing that we adjourn on the 29th be not passed, and that the Senate be continued in session until it can act on a possible veto of the good roads bill, and other necessary legislation. The President may be induced to sign the bill quicker by this matter being brought before the people of the country as I am now doing. I hope he will; but, in any event, in the name of the good-roads legislation and good-roads movement of this country, I ask and I hope the Senate will refuse to adjourn until that measure is satisfactorily disposed of, and until these other great measures that are before us are disposed of.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. SHIPSTEAD. Mr. President, I want to call the attention of the Senate to another matter that is pending before the Senate now that is of vital importance to the people of the Mississippi Valley from New Orleans to the Canadian border, and that is the question of breaking the high freight structure in the Mississippi Valley caused by the passage of the transportation act. There is a bill now on the calendar of the Senate, which has passed the House of Representatives, which has the recommendation of the Committee on Commerce, providing for an appropriation of $10,000,000 for the purpose of purchasing or building extra equipment for the Inland Waterways Corporation.

I think, in addition to what the Senator from California and the Senator from Nevada have said, Congress should not adjourn until it has passed this measure; that will to some extent give some relief to the people of the Mississippi Valley who are now suffering from these high freight rates. The bill provides, among other things, for the compulsory action by the Interstate Commerce Commission to give joint rates between the railroads and the Mississippi Valley transportation system. In view of the fact that Congress has so far passed no relief for the agricultural situation, it is a measure that to some extent will give some relief, and Congress should not adjourn until this bill shall have been passed.

The report was agreed to.

The VICE PRESIDENT. In accordance with the unanimous consent, the clerk will read the editorials submitted by the Senator from Maine [Mr. HALE].

The Chief Clerk read as follows:

[From the New York Herald Tribune, May 25, 1928]

LET ADJOURNMENT WAIT

There is still talk in Congress of adjourning not later than May 29. The idea is to get away well in advance of the meeting of the Republican National Convention on June 12. There could be no harm in that were Congress to finish its necessary work before ending the long session. But it would show deplorable weakness and neglect of duty if Congress were to run away from a threatened filibuster and leave the naval authorization bill stranded on the Senate calendar.

No bill at this session is of more urgent importance or of more vital national interest. Congress has failed for years to keep our Navy up to Washington treaty standards. It has allowed deferred replacements to accumulate. It has looked on while Great Britain and Japan have distanced us in cruiser strength. It has clung to the naïve idea that negotiations for a limitation of auxiliary tonnage could be depended upon to reestablish American parity.

That illusion was rudely dispelled last summer at Geneva. The British Government refused to extend the capital ship tonnage restriction to auxiliaries. It even rejected the theory of equalization in cruisers, destroyers, and submarines which it had indorsed at Washington in 1921–22. It said politely but firmly that if the United States wanted to build cruisers it could build them independently to meet its own needs—something which Congress had optimistically omitted to do. Our Government had fondled a barren promise and was left holding an empty bag.

There could be but one natural reaction to such an awakening. The House of Representatives passed by a vote of nearly 5 to 1 a bill authorizing the building of 15 cruisers and 1 airplane carrier. This construction ought to be started as soon as possible and be rushed to completion, for many other replacements—of battleships, destroyers, and submarines, as well as of cruisers—are near at hand. The House bill has been reported to the Senate, but has not been acted upon. A small group of pacifists and insurgents, preferring American naval inferiority to American naval parity, is said to be ready to filibuster against it, counting for success on the overanxiety of many Senators and Representatives to wind up the present session.

Passage of the naval authorization bill comes ahead of any and all considerations of political convenience. A filibuster can be curbed now. It would be more difficult to curb it at the short session. Moreover, postponement of action until next winter would mean only a year's delay in building and the needless clogging of our already retarded equalization program. The obstructionists are playing the game of Great Britain and Japan. But the majority in the Senate does not want to play that game and can not afford to play it. Shall a handful of pacifists be allowed to rub salt into the wounds of the Geneva conference? That is the question which Congress faces, and which it ought to face with patriotic indignation and some sense of the priority of national duty over the incidental claims of the national party gatherings.

[From the New York Times, May 18, 1928]

ADJOURNING FOR THE CONVENTIONS

Congress has ironed out, or conferences will, the snarls in most matters which it is interested in, chiefly political. Tax reduction has yet to be accomplished. How much water remains to run over Boulder Dam remains uncertain. The great ordinary appropriation bills have been passed. Congress has for some time been suffering from the quadrennial homesickness of a "presidential year." Then politics is felt to be the only business worthy of a body of statesmen. They want to get home. They must view their fences, see how things look, and take such hand as they can in the business and pleasure of nominating candidates for President. Such conditions have been evident in Washington for some time. Congressmen "want to get out of here" as soon as possible.

This is a natural feeling. Ordinarily the country fully sympathizes with it, being usually more eager for adjournment than Congress can ever be. There have been Congresses that were able to resist the quadrennial fever and continue to do business. The Senate in this Congress has left undone, and apparently proposes to leave undone, one momentous piece of public business. The naval construction bill, providing for the building of 15 cruisers in three years and one aircraft carrier, passed by the House, is to be burked by the Senate. There is so much other business, such "pressing" business, the Senate leaders say, that the mere little vital matter of building up the Navy has no chance of passing. The jaws of filibusters would wag everlastingly against it. The Navy is a luxury. Adjournment is a necessary. Its date must not be postponed. The cruisers and the aircraft carrier must be postponed instead.

This is in noble spirit. It is worthy of "the best traditions of the Senate." Has the administration no friends in the Senate with courage enough to make an effort to pass the bill? To put the question on a broader basis, has the United States, which has never lost pride in the Navy, hereditary among Americans—has the United States no friends in the Senate?

[From the New York Herald Tribune May 25, 1928]

KELLOGG SEES DANGER IF BIG NAVY BILL FAILS—DENIES A REPORT, ATTRIBUTED TO PACIFISTS, STATE DEPARTMENT OPPOSES ITS PASSAGE—HOLDS MEASURE ADEQUATE—PROVIDES FOR NATION'S NEEDS, HE SAYS, CALLING FOR ACTION

(Special to the Herald Tribune)

WASHINGTON, May 24.—Secretary of State Kellogg declared to-day his conviction that the Navy bill for additional cruisers, which has been virtually killed by a pacifist filibuster in the Senate, ought to be passed.

Aligning himself with President Coolidge, he declared the bill passed by the House is a good one and denied reports attributed to professional pacifists that the State Department preferred having the bill held up at this time. The House bill pending in the Senate, Secretary Kellogg said, fulfilled one of the proposals maintained by the United States at the Geneva Conference and provided for a total tonnage of about 300,000.

The fact that the Navy bill is virtually dead is regarded by officials here as foreshadowing serious diplomatic difficulties. Apart from the obvious danger of not having a Navy commensurate with the value of life and property in the United States, it was pointed out that if this bill did not go through the United States might have no more influence in future international conferences.

It was recalled by officials that prior to the Geneva conference statesmen in foreign countries were reported as holding the United States was

not in earnest when it demanded the right to have a Navy on a parity with that of Great Britain. These statesmen, so the report ran, believed from their knowledge of the present composition of the United States Senate that, while America might "talk big," she would never suit action to words.

It was an open secret among officials here, it was recalled, that the best opinion among foreign naval authorities then was that it would be perfectly safe to allow the United States to build as much as she pleased because it was regarded as almost certain that the determination of Congress at the last session to have a parity Navy was only a passing whim.

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MUSCLE SHOALS

Mr. NORRIS. Mr. President, in connection with the so-called Muscle Shoals resolution which Congress has passed, and which is now in the hands of the President, I issued a statement this morning for publication, which, on account of the parliamentary situation, I did not deem wise to make during the debate, because I did not want to take up any time when the matter was pending with a statement as to just what the legislation was. I ask unanimous consent to include as a part of my remarks the statement I have issued for publication.

The VICE PRESIDENT. Without objection, it is so ordered.

The statement referred to is as follows:

STATEMENT AS TO MUSCLE SHOALS BILL

By Senator NORRIS

The bill which Congress has just passed and which is now in the hands of the President, generally known as the Muscle Shoals bill, is the fairest and most comprehensive legislation of its kind ever enacted by Congress. It will do no injury to any legitimate business. It will not injure any State. Instead of being an injury to any State, it will be a direct benefit to the entire South, particularly to Tennessee and Alabama, and an indirect benefit to the entire Nation. It deals primarily with four very important propositions—fertilizer, water power, navigation, and flood control. Two of these—fertilizer and water power—are things in which the people of the entire country, and, indeed, of the civilized world, have an immediate, direct, and material interest.

FERTILIZER

In fertilizer operations it provides for the broadest and most extensive experiment that has ever been undertaken in the civilized world. The farmers who produce the food for the world and the consumers who eat it are equally interested in cheapening this vital element, necessary alike for those who produce and those who consume. Every student of the subject knows that there are vast possibilities yet unknown in the cheapening of fertilizer, and that to bring about this desired and necessary result comprehensive, scientific, and expensive experiments must be made in order to bring about possible and necessary improvement.

Private individuals and corporations engaged in the business can not afford to go to the vast expense of this experimentation, because they have no assurance at the beginning that in any given experiment success will follow the efforts necessary to make it. Moreover, if a private individual or a private corporation should be successful in any material way, such person would naturally patent the process, and the people generally, both the producers and the consumers, would therefore not get the full benefit of the improvement.

This bill provides for such experimentation by the Government, and whatever improvement is made and whatever cheapening process is discovered it will at once become the property of all the people, and there will be no opportunity for a monopoly of the benefit that such improvement might give. Moreover, when the bill is in full operation these experiments will be brought about without any direct appropriation of public funds, but they will be made by the profits that will come to the governmental corporation from the sale of power.

POWER

By the construction of Cove Creek Dam, provided for in the bill, the value of Dam No. 2 at Muscle Shoals, now owned by the Government, will be doubled in value. It will likewise more than double in value every dam between Cove Creek Dam and the mouth of the Tennessee River. In Tennessee alone there will be millions of increased value added to the dams that are now in existence and that can be hereafter constructed. It will not be Government property alone that will be increased in value, but equal benefit will come to private persons and corporations owning or hereafter constructing dams for the purpose of distributing electric power.

The surplus power of the Government not used in fertilizer operations will under this bill be distributed to municipalities, counties, States, and organizations of farmers and other cooperative organizations not organized for profit but for the purpose of supplying cheap electric power to citizens and members of such farmer or cooperative organizations. Properly administered it will give to these beneficiaries electric power that will be comparable to the cheap electricity supplied by Ontario, Canada, to her citizens. Any surplus power not sold to such public organizations named will be sold to private corporations distributing electric power under a contract by which they will not be allowed to charge exorbitant rates to the consumer.

NAVIGATION IN CONNECTION WITH FLOOD CONTROL AND POWER

The construction of Cove Creek Dam will go further toward making the Tennessee River navigable than any other improvement ever undertaken. By the construction of one more dam in the Tennessee River the river will be made navigable throughout practically its entire length and will thus give to the very central portion of the great South the cheapest navigation in the world.

The Cove Creek Dam will be located at the mouth of a reservoir which is the largest natural reservoir east of the Mississippi River. It will hold back 3,500,000 acre-feet of flood water and thus materially help in the great national undertaking of controlling the flood waters of the Mississippi River. It will increase the flow of the Tennessee River during low water and decrease its flow during high water.

This dam is primarily a navigation and flood-control proposition, and the power developed at Cove Creek Dam is only an incident to the improvement. This power will be great at some seasons of the year, but it will greatly diminish during other portions. If it were built by a private party for power alone, it would be of no benefit whatever in navigation and flood control.

It is therefore a governmental function, and it would be an economic sin to permit it to be constructed and operated by private parties for profit. In order to make it valuable for navigation and flood control, the reservoir will be emptied during low water and filled during high water, and the only time that it will produce power is when the water is let out; thus the power produced at Cove Creek Dam will be secondary. If it were owned and operated by private parties as an instrumentality for producing power, this reservoir would never be emptied, because by keeping it full the power generated would be mainly primary power, and the value, therefore, as a power proposition depends upon keeping the reservoir filled at all times.

If it is operated by the Government, however, the water will be let out when the Tennessee River is low in order to increase navigation and to prepare the reservoir for holding flood waters when the water is high. By letting it out we increase the power at Dam No. 2, so that while the power at Cove Creek Dam is secondary, it will dovetail into the power possibilities at Dam No. 2, and the power that the Government loses by only a partial operation for power purposes at Cove Creek Dam will be made up by the increased power coming at such times to Dam No. 2, so that, as a matter of fact, the Government, by operating Cove Creek Dam in connection with Dam No. 2, will be able to use the secondary power at Cove Creek at a time when the power at Dam No. 2 is at its minimum and while it is necessary to supplement Dam No. 2 with some auxiliary power. They will thus work together for the benefit of both while they are making the Tennessee River navigable and performing a very important and necessary assistance to the flood control of the Mississippi Valley.

FINAL ADJOURNMENT

Mr. CURTIS obtained the floor.

Mr. NORRIS. Mr. President, will the Senator from Kansas yield to me?

Mr. CURTIS. For just a moment if I do not lose the floor.

Mr. NORRIS. I understand the Senator from Kansas is about to report the concurrent resolution providing for the adjournment of Congress next Tuesday. I will have no opportunity to debate it, under the rules and precedents, after it shall have been offered, and I have asked the Senator from Kansas to permit me to say just a few words before he presents it.

I want to protest, in my weak way, against Congress adjourning until it has disposed of some of the more important legislation pending before it. I do not see any reason why Congress should adjourn at the time proposed in this resolution, which is next Tuesday. If it is done to permit Senators and Representatives to attend the national conventions, it could just as well be postponed at least a week. The weather in Washington is better than it has been for years at this time of the year. There is not anything I know of that will have a tendency to take Members away from Washington at the present time, or to interfere with the best kind of legislative work that can be done. It seems to me that until we do dispose of some of the important matters of legislation, we ought to stay here in Washington and continue our work, and I believe that Congress will make a serious mistake if it decides now to adjourn Congress on next Tuesday with so much work, several things of importance to the entire country, undisposed of.

Mr. CURTIS. Mr. President, I report back from the Appropriations Committee the House Concurrent Resolution 41, and ask for its immediate consideration.

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

Mr. CURTIS. I do not yield for that purpose.

Mr. HEFLIN. I make the point of order that there is no quorum here, and I suggest the absence of a quorum.

Mr. CURTIS. I did not yield for that purpose.

Mr. HEFLIN. If the Congress is to be adjourned, and Senators are to be deprived of an opportunity to protest in the name of the American people——

SEVERAL SENATORS. Regular order!

The VICE PRESIDENT. The Senator can make the point of no quorum after the resolution is read. The Chair would also state that this is the report of a committee, and under objection would have to go over one day, which would give an opportunity for remarks upon the question during the day.

Mr. LA FOLLETTE. I object, and ask that the resolution go over.

Mr. CURTIS. Let the concurrent resolution be read.

The VICE PRESIDENT. The clerk will read the concurrent resolution.

The Chief Clerk read House Concurrent Resolution 41, as follows:

Resolved by the House of Representatives (the Senate concurring), 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.

Mr. LA FOLLETTE. I object to the immediate consideration of the resolution.

The VICE PRESIDENT. The resolution will go over one day.

Mr. REED of Missouri. Mr. President, the only suggestion I want to make is this, and I make it in the kindliest way in the world: I think the Chair was in error in holding that the resolution had to be read before the question of the absence of a quorum should be tested. I think the object of the point of no quorum is instantly to halt all business, on the theory that if there is no quorum present nothing whatever can be done. I do not complain; no harm is done, because the Vice President immediately recognized the demand; but I do think as a matter of precedent that the Chair was wrong on it. I do that in the kindliest way in the world.

Mr. CURTIS. Mr. President, I was on my feet and did not yield. I could not be taken off my feet for the purpose of making the point of no quorum.

Mr. REED of Missouri. I think the Senator could be taken off his feet by the point of no quorum at any time. That is my view.

Mr. JOHNSON submitted two amendments intended to be proposed by him to the concurrent resolution (H. Con. Res. 41) providing for the closing of the first session of the Seventieth Congress by adjourning both the House and Senate on the 29th day of May, 1928, at 5 o'clock p. m., which were ordered to lie on the table and to be printed, as follows:

On page 1, line 5, amend by striking out the words "29th day of May" and inserting in lieu thereof "2d day of June"; and

On page 1, line 5, amend by striking out the words "29th day of May" and inserting in lieu thereof "5th day of June."

HARRIMAN GEOGRAPHIC CODE SYSTEM

Mr. MOSES. Mr. President, from the Select Joint Committee on the Harriman Geographic Code System, appointed under Public Resolution 70, Sixty-ninth Congress, I present a report and an accompanying bill. One member of the joint select committee, the Representative from Pennsylvania [Mr. TEMPLE] is absent from Washington at the minute, but he approves of the report. The Senator from Connecticut [Mr. BINGHAM] reserves the right, and will probably exercise it presently, to file a minority report. I ask that the bill and the report be referred to the Committee on Printing.

The bill (S. 4584) to provide for the purchase of the Harriman Geographic Code System was read twice by its title and, with the accompanying document (S. Doc. No. 159), referred to the Committee on Printing.

BILLS INTRODUCED

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

By Mr. ROBINSON of Arkansas:

A bill (S. 4578) to authorize an appropriation for the relief of the States of Missouri, Mississippi, Louisiana, and Arkansas on account of roads and bridges damaged or destroyed by floods of 1927; to the Committee on Agriculture and Forestry.

By Mr. SMOOT:

A bill (S. 4579) to amend section 5 of the act of March 2, 1895, relating to official bonds; to the Committee on Finance.

By Mr. ODDIE:

A bill (S. 4580) granting an increase of pension to Roberta M. Bukey; to the Committee on Pensions.

By Mr. DILL:

A bill (S. 4581) authorizing the Secretary of War to convey the Fort Lawton Military Reservation to the city of Seattle, State of Washington; to the Committee on Military Affairs.

By Mr. WHEELER:

A bill (S. 4582) for the relief of Charles E. Anderson; to the Committee on Claims.

By Mr. REED of Pennsylvania:

A bill (S. 4583) for the relief of Pasquale Iannacone; to the Committee on Claims.

By Mr. KING:

A bill (S. 4585) to amend the act entitled "An act to provide for the settlement of certain claims of American nationals against Germany, Austria, and Hungary, and of nationals of Germany, Austria, and Hungary against the United States and for the ultimate return of all property held by the Alien Property Custodian"; to the Committee on Finance.

By Mr. HAWES:

A bill (S. 4586) to prohibit the acceptance by any person of certain contributions for the purpose of influencing Congress as to legislation; to the Committee on the Judiciary.

By Mr. METCALF:

A bill (S. 4587) granting an increase of pension to Elizabeth White (with accompanying papers); to the Committee on Pensions.

By Mr. SHIPSTEAD:

A bill (S. 4588) for the relief of Gustave Hoffman; to the Committee on Claims.

CHOCTAWHATCHEE RIVER, FLA. AND ALA.

Mr. FLETCHER submitted an amendment intended to be proposed by him to the bill (H. R. 13484) authorizing preliminary examinations of sundry streams with a view to the control of their floods, and for other purposes, which was referred to the Committee on Commerce and ordered to be printed.

PRESIDENTIAL APPROVALS

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

On May 24, 1928:

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

S. 4448. An act to amend section 4 of the act entitled "An act to extend the period of restrictions in lands of certain members of the Five Civilized Tribes, and for other purposes," approved May 10, 1928.

On May 25, 1928:

S. 1661. An act to authorize the Secretary of the Interior to transfer the Okanogan project, in the State of Washington, to the Okanogan irrigation district upon payment of charges stated;

S. 2965. An act authorizing the State of Indiana, acting by and through the State highway commission, to construct, maintain, and operate a toll bridge across the Wabash River at or near Vincennes, Ind.; and

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

On May 26, 1928:

S. 3864. An act to create a new division of the District Court of the United States for the Northern District of Texas.

HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

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

H. R. 13251. An act to provide for the vocational rehabilitation of disabled residents of the District of Columbia, and for other purposes; to the Committee on Education and Labor.

H. R. 13302. An act granting a pension to the survivors of the *Jeanette* relief expedition; to the Committee on Pensions.

H. R. 13930. An act to authorize an appropriation for the American group of the Interparliamentary Union; to the Committee on Foreign Relations.

H. R. 10550. An act to provide for the acquisition by Meyer Shield Post, No. 92, American Legion, Alva, Okla., of lot 19, block 41, the original town site of Alva, Okla.; and

H. R. 12952. An act to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved Au-

gust 25, 1919, as amended by act of March 6, 1920; to the Committee on Public Lands and Surveys.

H. R. 11859. An act for the relief of B. C. Miller; and

H. R. 12809. An act to permit the United States to be made a party defendant in a certain case; to the Committee on the Judiciary.

H. R. 3539. An act for the relief of Frank Murray;

H. J. Res. 76. Joint resolution for the relief of Leah Frank, Creek Indian, new born, roll No. 294;

H. J. Res. 260. Joint resolution for the relief of Eloise Childers, Creek Indian, minor, roll No. 354; and

H. J. Res. 261. Joint resolution for the relief of Effa Cowe, Creek Indian, new born, roll No. 78; to the Committee on Indian Affairs.

H. R. 2486. An act for the relief of Andrew Jackson Seward, jr., deceased;

H. R. 3221. An act for the relief of Ross F. Collins;

H. R. 4264. An act for the relief of Philip V. Sullivan;

H. R. 5019. An act for the relief of T. G. Roberts;

H. R. 5948. An act for the relief of George Joseph Boydell;

H. R. 6263. An act to provide for the reinstatement of Larry Cardwell in the United States Naval Academy;

H. R. 9597. An act for the relief of Fred Elias Horton;

H. R. 10274. An act for the relief of Commander Francis James Cleary, United States Navy; and

H. R. 12844. An act to amend the naval record of John M. Reber; to the Committee on Naval Affairs.

H. R. 1390. An act for the relief of Maj. Lester L. Lampert;

H. R. 1939. An act for the relief of James M. Thomas;

H. R. 2427. An act for the relief of Morris Dietrich;

H. R. 2817. An act for the relief of Michael J. Bauman;

H. R. 3168. An act for the relief of Douglas B. Espy;

H. R. 3537. An act for the relief of William F. Goode;

H. R. 3722. An act for the relief of Robert C. Osborne;

H. R. 3937. An act for the relief of the heirs of Thomas G. Wright;

H. R. 3955. An act for the relief of the C. Tisdall Co., Herbert W. Smith, Newman Bros., Thomas J. Murphy Co., formerly Edward A. Brown Co., and Giles P. Dunn, jr.;

H. R. 3967. An act for the relief of the next of kin of Edgar C. Byron;

H. R. 4380. An act for the relief of Martha Andrew Virginia Johnson;

H. R. 4387. An act for the relief of Ida E. Godfrey;

H. R. 4626. An act for the relief of Maj. Arthur A. Padmore;

H. R. 4776. An act for the relief of Dr. Stanley R. Teachout;

H. R. 4781. An act for the relief of the legal representatives of Cobb, Blasdell & Co.;

H. R. 5222. An act for the relief of Robinson Newbold;

H. R. 7079. An act for the relief of John Golombiewski;

H. R. 7236. An act for the relief of James M. Long;

H. R. 7244. An act for the relief of Mary Martin Harrison;

H. R. 7330. An act for the relief of E. M. Gillett and J. H. Swenarton;

H. R. 7378. An act for the relief of Wade Allen and Ed Johnson;

H. R. 7411. An act for the relief of Gilbert Faustina and John Alexander;

H. R. 7492. An act for the relief of Capt. Louis C. Brinton;

H. R. 7552. An act for the relief of Bertina Sand;

H. R. 8859. An act for the relief of Edna E. Snably;

H. R. 9210. An act for the relief of Lieut. George H. Hauge, United States Army;

H. R. 9396. An act to compensate Eugenia Edwards, of Saluda, S. C., for allowances due and unpaid during the World War;

H. R. 9509. An act for the relief of Ray Ernest Smith;

H. R. 9516. An act for the relief of Capt. W. B. Finney;

H. R. 9546. An act for the relief of T. D. Randall & Co.;

H. R. 9659. An act for the relief of F. R. Barthold;

H. R. 9737. An act for the relief of Herman C. Davis;

H. R. 9943. An act for the relief of Sawyer Motor Co.;

H. R. 10034. An act for the relief of Capt. Alexander C. Doyle;

H. R. 10125. An act for the relief of Leo Scheuren;

H. R. 10126. An act for the relief of Loretta Pepper;

H. R. 10194. An act for the relief of Maria Hensley Clay;

H. R. 10508. An act for the relief of T. P. Byram;

H. R. 10908. An act for the relief of L. Pickert Fish Co. (Inc.);

H. R. 10913. An act to compensate Talbird & Jenkins for balance due on contracts with Navy Department dated March 20 and October 9, 1919;

H. R. 10974. An act for the relief of Carl Holm;

H. R. 11064. An act for the relief of F. Stanley Millichamp;

H. R. 11153. An act for the relief of Harry C. Tasker;

H. R. 11239. An act for the relief of H. W. Dickson and Mary L. Dickson;

H. R. 11260. An act for the relief of Frans Jan Wouters, of Antwerp, Belgium;

H. R. 11385. An act for the relief of Dr. Andrew J. Baker;

H. R. 11508. An act for the relief of Kirby Hoon;

H. R. 11607. An act for the relief of Capt. Roger H. Young;

H. R. 12021. An act for the relief of Samuel S. Michaelson;

H. R. 12117. An act for the relief of Samuel F. Tait;

H. R. 12280. An act for the relief of Lula Lewis;

H. R. 12638. An act for the relief of David A. Wright;

H. R. 12714. An act for the relief of the Rocky Ford National Bank, Rocky Ford, Colo.;

H. R. 12764. An act for the relief of Commander Chester G. Mayo;

H. R. 12793. An act for the relief of Alonzo Durward Allen; and

H. R. 12966. An act for the relief of Jeannette S. Jewell; to the Committee on Claims.

H. R. 1539. An act for the relief of Edward J. Costello;

H. R. 3278. An act for the relief of Richard A. Chavis;

H. R. 3443. An act for the relief of Alfred O. Huestis;

H. R. 3462. An act for the relief of Paul Jelna;

H. R. 4215. An act for the relief of Frank L. Merrifield;

H. R. 4244. An act for the relief of Joseph Lee;

H. R. 4811. An act to reinstate Frank W. Simpson, formerly lieutenant, Coast Artillery, United States Army, as a first lieutenant in the United States Army;

H. R. 5223. An act for the relief of Michael Marley;

H. R. 6112. An act for the relief of Armstrong Hunter;

H. R. 6127. An act for the relief of Basil N. Henry;

H. R. 6549. An act for the relief of Lewis W. Crain;

H. R. 7324. An act for the relief of Orla W. Robinson;

H. R. 8341. An act to provide for appointing Clarence Ulery a warrant officer, United States Army;

H. R. 8464. An act for the relief of Raymond Nelson Hickman;

H. R. 8597. An act for the relief of Ernest L. Silvers;

H. R. 8598. An act for the relief of James J. Dower;

H. R. 8751. An act for the relief of Robert W. Miller;

H. R. 8986. An act for the relief of John W. Bates;

H. R. 9071. An act for the relief of Ed Burleson;

H. R. 9300. An act for the relief of Joseph N. Marin;

H. R. 9412. An act for the relief of Frank D. Peck;

H. R. 9453. An act for the relief of Tracy Lee Phillips;

H. R. 9719. An act for the relief of George A. Day;

H. R. 9751. An act for the relief of Robert Y. Garrison;

H. R. 9827. An act for the relief of George Pettit;

H. R. 9995. An act for the relief of Lucius K. Osterhout;

H. R. 10093. An act for the relief of Ferdinand Young, alias James Williams;

H. R. 11216. An act for the relief of James Scott;

H. R. 11754. An act for the relief of Edward Knight;

H. R. 12012. An act for the relief of Albert I. Riley;

H. R. 12538. An act for the benefit of Morris Fox Cherry;

H. R. 12641. An act for the relief of George A. Cole;

H. R. 12834. An act for the relief of James W. Smith;

H. R. 12867. An act granting an honorable discharge to Pierce Dale Jackson;

H. R. 13097. An act for the relief of Thomas W. Moore;

H. R. 13260. An act for the relief of Josiah Harden;

H. R. 14057. An act for the relief of Edmund F. Hubbard;

H. J. Res. 129. Joint resolution for the appointment of a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers;

H. J. Res. 168. Joint resolution for the appointment of W. S. Albright, of Kansas, as a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers; and

H. J. Res. 193. Joint resolution for the appointment of Roy L. Marston, of Maine, as a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers; to the Committee on Military Affairs.

FIRST READING OF A HOUSE BILL

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, was read the first time by its title.

INVESTIGATION OF SUGAR PURCHASES

Mr. BLEASE. Mr. President, I submit a resolution which has to do with the sugar question and ask that it may be read.

The resolution (S. Res. 255) was read, as follows:

Whereas it is charged that during the period of the World War the United States Government, through its Food Administrator, bought up, owned, and controlled the entire supply of Cuban sugar, all of which is alleged to have been purchased at about 5½ cents per pound; and

Whereas it is further charged that this supply was retained in Cuba for months while the American people were paying 28 cents a pound for sugar; and

Whereas it is further charged that a great number of vessels carried American products to Cuba but returned to this country in ballast and were not permitted to bring back to the United States sugar awaiting shipment during this time; and

Whereas it is further charged that large quantities of this sugar were shipped to Spain from time to time to the disadvantage of the people of the United States; and

Whereas similar charges then were and still are made with reference to the supply of Porto Rican sugar, and that it was dealt with in substantially the same manner as was the supply of Cuban sugar; and

Whereas these charges have continued to have wide circulation among the American people until there is a well-nigh universal demand to know the truth about the situation: Now therefore be it

Resolved, That the committee heretofore appointed to investigate the expenditures of candidates for the Presidency in the present campaign be empowered and instructed to investigate this entire sugar situation as set forth in the above preamble, and any other facts and circumstances relating to it, and report the same to the Senate, or, if the Senate be in recess when the report is prepared, to the President of the Senate and made public.

And the committee is further empowered to send for such witnesses and papers as may be required to enable them to complete the investigation of this subject, to swear witnesses, and to do all and singular those other things that may be necessary to complete such investigation.

Mr. CURTIS. Mr. President, I understand the resolution submitted by the Senator from South Carolina goes over under the rule?

Mr. BLEASE. The resolution may go over under the rule until Monday.

The VICE PRESIDENT. The resolution will go over under the rule.

POSTAL RATES—CONFERENCE REPORT

Mr. MOSES. Mr. President, I ask unanimous consent for the immediate consideration of the conference report on the postal rates bill.

The VICE PRESIDENT. Is there objection? The Chair hears none and lays before the Senate the conference report, which will be read.

The Chief Clerk read the conference report, 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. 12030) to amend Title II of an act approved February 28, 1925 (43 Stat. 1066, U. S. C., title 39), regulating postal rates, and for other purposes, 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, 3, 4, 5, 6, and 7 with amendments as follows:

Page 3, line 12, strike out "1¾" and insert "1½."

Page 3, line 13, strike out "2½" and insert "2."

Page 3, line 14, strike out "4" and insert "3."

Page 3, line 15, strike out "4¾" and insert "4."

Page 3, line 16, strike out "5½" and insert "5."

Page 3, line 17, strike out "7" and insert "6."

Page 3, line 21, strike out "7¾" and insert "7."

And the House agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8 with amendments, so as to make the amendment read as follows:

"That section 202, Title II, act of February 28, 1925, is amended by the addition of a paragraph 4 to read as follows:

"'(4) *Provided*, That in the case of publications entered as second-class matter where the number of individual addressed copies or packages to the pound is more than 32 and not in excess of 48, the rates of postage thereon shall be double the rates prescribed in paragraphs (1), (2), and (3-a) of the act of February 28, 1925; where the number of individual addressed copies or packages to the pound is more than 48 and not exceeding 64, the rates of postage shall be three times the regular rates, and for each additional 16 individually addressed copies or packages or fractional part of such number of copies or packages there may be to the pound the rates of postage shall be correspondingly increased over the regular rates.'"

And the Senate agree to the same.

That the Senate recede from its amendments numbered 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20.

That the House recede from its disagreement to the amendments of the Senate numbered 21, 22, and 23.

That the House recede from its disagreement to the amendment of the Senate numbered 24 with amendments, so as to make the amendment read as follows:

"SEC. 9. The Postmaster General is authorized to appoint a director of parcels post."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25.

GEO. H. MOSES,
L. C. PHIPPS,
KENNETH MCKELLAR,
Managers on the part of the Senate.

W. W. GRIEST,
C. W. RAMSEYER,
THOS. M. BELL,
Managers on the part of the House.

Mr. ROBINSON of Arkansas. Mr. President, I desire to request the Senator from New Hampshire [Mr. MOSES] to analyze the conference report and explain particularly what action was taken and what results obtained with respect to the important Senate amendments.

Mr. MOSES. Mr. President, I wish to invite the attention of the Senator from Arkansas to a statement made in connection with the report, which will be found in yesterday's proceedings on page 9862 of the CONGRESSIONAL RECORD. At the bottom of the second column on that page will be found a recapitulation of everything which we accomplished by the conference report.

While the Senator is reading it, I want to say that while the report represents a complete agreement so far as signatures are concerned on the part of the conferees, the Senator from Tennessee [Mr. MCKELLAR] and I signed the report with much reluctance, because there were some other items which we desired to have inserted in the bill.

Mr. PHIPPS. Mr. President, will not the Senator be good enough to include the Senator from Colorado with the other two Senators?

Mr. MOSES. I beg the Senator's pardon. My attention was directed particularly to the Senator from Tennessee, who was fixing me with a baleful glance. [Laughter.]

There were other items on which we yielded with great reluctance, but we finally yielded because we did not think it possible under the circumstances to get anything better. We do not think the report goes as far as it should on certain matters, but we did the very best we could under the circumstances. We found ourselves in a situation where the people who were deeply affected by the changes in the rates expressed an acquiescence in the position taken by the conferees on the part of the House, and in consequence the Senate conferees signed the report, only doing so after a record vote had been taken in the conference and much discussion had been had.

Mr. MCKELLAR. Mr. President, I desire to say to the Senate with reference to the conference report that it was the best report we could possibly get under the circumstances. The House conferees over and over again objected very strenuously to the three principal Senate amendments, namely, the one restoring the 1920 rates on second-class matter; second, the one reducing the rate on circulars or third-class matter from 1½ cents to 1 cent; and, third, the taking off of the surcharge on parcel-post packages of 2 cents on each parcel.

We held many conferences. The House conferees absolutely refused to recede at all on any one of those three principal items. However, the Senator from New Hampshire [Mr. MOSES] proposed an amendment providing for the 1920 rates in the first four zones and a modification of the 1920 rates in the other four zones. The House conferees steadfastly and on every occasion and at every meeting refused to accept this compromise. Yesterday, for the first time, the House conferees relented, and that amendment was agreed to. The House Members very reluctantly, even then, agreed to it, but finally did so, and that is the result of the conference. I am very, very happy at the result.

Mr. EDGE. Mr. President, may I ask the Senator a question in this connection?

Mr. MCKELLAR. Certainly.

Mr. EDGE. Does that refer to the second-class rate?

Mr. MCKELLAR. It has reference to the second-class rates, commonly known as the newspaper rates. In my judgment the report should be adopted in every respect for these reasons: In the first place, I believe that the restoration of the 1920 rate in substance will produce a much larger actual revenue to the Government than is now produced by the present high rates. The proof was overwhelmingly that way at all the hearings.

Therefore I hope the conference report will be agreed to. I believe it will meet the entire approval of the Senate.

The principal result of the conference is entirely limited to second-class matter rates. I think it will be pleasing to the Senate generally that the Senate amendment on restoring the 1920 rates on second-class matter will be found in the bill.

Now, as to third-class matter, the House would not agree, and it was a matter of either accepting what we could get or having no agreement at this time. I think the rates on third-class matter are entirely too high. I believe the present high rates on third-class matter result in a large loss of revenue to the Government. It will be remembered that over 800,000,000 pieces of mail went out of the post-office system because of that high rate on third-class matter. There is some reduction of the rate in the House bill. The pound rate very largely reduces the prevailing high third-class rates, and I reluctantly agreed to accept at this time this measure of reduction.

I do not think the rates are as low as they should be. I think the 1-cent rate on third-class matter ought to be reestablished, and I propose to introduce a bill to that effect at the next session of Congress.

Mr. GEORGE. Mr. President, may I ask the Senator what was done about the service charge?

Mr. McKELLAR. I am just coming to that, if the Senator pleases.

The Senate will recall that there is now an arbitrary service charge of 2 cents on every parcel, regardless of where it is going. The Senate amendment struck out that service charge. The Senate had voted on it time and again and is in favor of striking out that charge. We tried our best in conference to retain the amendment. We labored earnestly and actively with the conferees for weeks to get the amendment agreed to. We finally offered to agree to cut it in two and make it 1 cent instead of 2 cents all along the line, but the House conferees refused and that provision was finally agreed upon, which provides a 1-cent rate in the fourth, fifth, sixth, seventh, eighth, and ninth zones, and a 2-cent rate in the first three zones. It was either accept the House provision or get no legislation at this time.

Mr. SMITH. To what zones does the 2-cent rate apply?

Mr. McKELLAR. Two cents in the first three zones, and in the remaining zones it is 1 cent.

Mr. WALSH of Massachusetts. Mr. President, may I ask the Senator if the provision for a reduction of postal rates on remailing of magazines has been retained?

Mr. McKELLAR. That provision which the Senate adopted was retained.

Mr. WALSH of Massachusetts. How much is the reduction?

Mr. McKELLAR. I can not say at just this moment, but it was reduced to the old rate that existed prior to 1925, which I think is entirely satisfactory to everybody.

Mr. WALSH of Massachusetts. The present rates are most excessive.

Mr. McKELLAR. They are really prohibitive and have largely taken that class of mail matter out of the mails.

Mr. GEORGE. I should like to be made clear on this point. The 1920 rate is restored on second-class matter in the first four zones, I understand.

Mr. McKELLAR. Yes; and a very substantial modification of the 1920 rates is provided for the remaining zones. In other words, I will say to the Senator, who has been most active in this particular matter, as many other Senators have, that it is entirely satisfactory. I think it is probably a better rate than the 1920 rate if we had secured it literally. I think it is a very excellent rate and will bring a great deal more income to the Post Office Department than the present high rate.

Mr. COPELAND. Mr. President——

Mr. McKELLAR. I yield to the Senator from New York.

Mr. COPELAND. From the beginning I have striven to get this bill amended. I find in my mail this morning a number of letters showing continued dissatisfaction with the measure. For instance, here is one from the Hamilton Garment Co. and another from the Guild Co., of New York City, complaining very bitterly about the bill. The latter says, "We understand the report of the conferees denied any reduction of third-class rates." May I ask the Senator from Tennessee if that is correct?

Mr. McKELLAR. Oh, no. That is not at all the fact. There is a 12-cent pound rate provided that should be entirely satisfactory.

Mr. COPELAND. One of the letters states:

> In view of the fact that the Senate had already voted for 1 cent for 2 ounces, we can not understand why they had to go so far as to report no reduction at all, when all they had to do is to meet the 12 cents per pound rate as already passed by the House.

The Senator thinks this is not a just criticism?

Mr. McKELLAR. Will the Senator from New Hampshire, who was specially interested in that matter, give the Senator an answer?

Mr. MOSES. Mr. President, I do not think the criticism is justified, for this reason: In the first place, the rate which the Senate put on by its vote, as compared with the pound rate, constituted an inconsistency, inasmuch as it made the piece rate cheaper than the bulk rate.

I think the direct mail users who have been represented here—that is, the Association of Direct Mail Users—will agree that the bulk pound rate is much more effective for them than the individual rate, because it can be of very great advantage in depositing mail.

Mr. COPELAND. This correspondent says:

> Let us have the 12-cent rate if that is the best we can get.

Because, he says:

> Do you not believe the mail-order business of the country is entitled to some relief?

Mr. MOSES. Mr. President, if the Senator from New York will study the statement which is printed in the RECORD accompanying the conference report, he will discover that the users of third-class mail have been given a total reduction in their postage bill of $10,500,000, which I should think was a very considerable relief.

Mr. COPELAND. I thank the Senator for his comment. I fear, however, it will not satisfy my constituents.

The PRESIDING OFFICER (Mr. CUTTING in the chair). The question is on agreeing to the conference report.

Mr. McKELLAR. Mr. President, just one moment. I wish to say that, as is well known to the Senate, for many years I have earnestly sought to have restored the 1920 rates on second-class mail matter.

Mr. MOSES. I will bear testimony to that statement.

Mr. McKELLAR. I wish to say that I do not believe we would ever have been able to have obtained a favorable report at this session of Congress if it had not been for the splendid manner in which my two colleagues on the conference committee, the Senator from New Hampshire [Mr. MOSES] and the Senator from Colorado [Mr. PHIPPS], have acted in reference to the subject. It has been the greatest pleasure to me to have had their cooperation; they have rendered splendid service, and are entitled to the greatest credit for what they have done.

Mr. MOSES. Mr. President, may we have the question put?

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

LEVI E. FOLK

Mr. BLEASE. Mr. President, the senior Senator from New York [Mr. COPELAND] introduced a bill in the Senate some time ago to provide for the placing of the names of certain individuals in the War Department and to authorize the Board of Regents of the Smithsonian Institution to make certain recommendations. I have here an article published in the American Magazine of April, 1927, which is headed "Greater love hath no man than this," written by Dr. Wilmer Krusen. In that article is found this paragraph:

> So a little house was built and called "House No. 1." It was only 14 by 20 feet. The two doors were so arranged, one back of the other, that no mosquitoes possibly could get in. A stove was placed in the building to keep the temperature steadily above 90, and tubs of water were put inside that the atmosphere would be as soggy as that of a well. Then into this house were taken the cots and mattresses and bedding of men who had died of yellow fever. And into that foul trap, worse than any Dark Age dungeon, walked of their own free will three men—Dr. R. P. Cook, Pvt. Levi E. Folk, and Pvt. Warren G. Jernegan. They ate there, lived there, slept in those beds for 20 days and 20 nights.

The Levi E. Folk mentioned in that article and also mentioned in the bill of the Senator from New York was born and reared in the town of Newberry, in the State of South Carolina. His father was county treasurer of that county for several years. His people live there to-day. He himself was for a long time a resident of that town, and went from there with the Newberry company under Capt. William S. Langford to the Spanish-American War. Mr. President, I request that the article by Doctor Krusen may be printed in the CONGRESSIONAL RECORD as part of my remarks as a tribute to my schoolmate and friend, Levi E. Folk.

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

"GREATER LOVE HATH NO MAN THAN THIS"

By Dr. Wilmer Krusen

Go back 26 years, for the story of that hot tropical night in Quemados, though it has been told a thousand times, is worth the telling again.

Four men, medical officers of the American Army, were gathered about a table. It was a grim business they were on. Their browned faces were grave and set.

The Spaniards had been routed and cleared from the land. Gen. Leonard Wood and his troops were in possession of Cuba. But though the banners which hailed this victory of American arms still flaunted gayly in the streets of New York and Chicago and San Francisco, the hush of death was over Cuba and over that little group in the hot room at Quemados.

This death was an invisible yellow assassin. Passing over the squalor and filth of the native slums and leaving them almost unscathed, it had descended upon the American quarters. Indeed, it had invaded the very seat of American control and had taken a third of the Governor General's staff. Every hospital bed was filled by an American lad whose face and chest had turned to the yellow of gold, and who writhed in delirium. Yellow fever—that unsolved mystery of four centuries—had Cuba in its grip!

For a month these four medical men—Walter Reed, James Carroll, Jesse W. Lazear, and Aristides Agramonte—had been at it day and night, seeking a chink in the armor of the yellow curse.

Reed was the directing genius. He had spent 14 years at the bedsides of the sick on the western plains and mountains. He had doctored in New York's slums. He had studied disease at first hand and under some of the best masters that America could boast. Then came Carroll, ex-backwoodsman, who had enlisted as a private in the Army and who while still a soldier had studied medicine, to gain his diploma at the age of 37. He was 46, a man with a wife and five children, and with no means other than his pay.

Third was Jesse Lazear—carefully schooled, brilliant, a graduate of famous universities, and a student of the great Pasteur in Paris. He was 34, and a wife and two babies awaited him back in the States. Agramonte, who was the fourth member of this yellow-fever commission, was a Cuban surgeon of distinction. He alone of the four previously had suffered yellow fever and was therefore immune to it. Yellow jack rarely struck at the same man twice.

Thus far failure had stalked the commission in its efforts to determine the cause of the disease. Meanwhile, Habana had been scoured and cleaned; its houses had been disinfected, its streets washed down, and its alleys fumigated. Seemingly the more cleanly the city became the more virulent became the scourge.

One chance only was left—a chance which the whole medical world held in ridicule. In Habana there was a Cuban physician, Dr. Carlos Finlay. For 20 years Doctor Finlay had been insisting that a certain kind of mosquito was responsible for yellow fever. Finlay had made tireless experiments to prove his theory, but every one of his experiments had failed.

But Reed, in his study, has discovered a fact that Finlay had overlooked. Following a case of yellow fever it was invariably two weeks or longer before new cases appeared. This indicated that the mosquito—if it was the carrier—had to go days after biting a yellow-fever patient before it became dangerous to other human beings. Reed believed that Finlay in his experiments had not given the mosquitoes time.

So in Quemados, that hot night, those four medical men discussed mosquitoes. The task confronting them was to prove, as Finlay contended, that yellow fever was carried by mosquitoes only, and that, among all the 800 varieties of mosquitoes the Stegomyia mosquito alone was a carrier of the disease. And this task, as fate would have it, was augmented by a hideous circumstance: Animals do not "take" yellow fever. So far as was known, the one living creature who suffered yellow fever was man.

Reed was pale as he outlined his theory of Finlay's failure. It was Carroll, the father of five children, who spoke out.

"That means," he queried bluntly, "that to prove this mosquito theory somebody—a man—has to offer himself for experiment?"

Reed nodded. Lazear nodded, a gleam in his eyes. If healthy, nonimmune men would let themselves be bitten by Stegomyia mosquitoes which two weeks or more before had bitten yellow-fever sufferers, the Finlay-Reed theory would be proved or disproved by the result. To make the experiment without flaw at least a dozen men would have to be bitten.

"You can count on me for one," said Carroll.

"And on me," said Lazear.

Agramonte was immune and, therefore, useless. Reed was under orders to return immediately to Washington.

The meeting broke up. In a day or two Reed left, and Carroll and Lazear began their experiments, of which all medical history contains no more heroic record.

Lazear had studied mosquitoes in Italy. He obtained eggs of the stegomyia and hatched them. He nurtured them under glass with sugar and water to feed upon, and then into the yellow-fever wards he went, to let the winged devils suck the blood of fever patients. Then back into their glass cages went the insects to await the grim test.

But Lazear, only 34, was impatient. Those mosquitoes, he argued, must be deadly by now. Not waiting the two or three weeks Reed had stipulated, he obtained seven volunteers among the soldiers. Together with the seven, nameless in the records, he let the mosquitoes suck the blood of his arms. The days passed. Strangely enough, nothing developed. The doctor and his seven men remained in health. After all, was Reed mistaken?

"You tried too soon," Carroll argued. "Now, it's my turn."

He waited until almost three weeks had gone by. By this time, if Reed was right, the yellow-fever blood in the imprisoned insects had ripened to deadly virulence. Carroll then had Lazear select the most dangerous-looking mosquito in his whole collection. This huge insect brave Carroll let alight on his wrist, on the under part where the skin was thin and the veins near the surface, and he watched without a tremor as it drank its fill of his blood.

"If there is anything in this mosquito theory," he wrote back to Reed that night, "I should get a good dose of yellow fever."

In three days the fever was upon him. Lazear and Agramonte stood by. "Friends," said Carroll, and smiled, "this is the proudest moment of my life. I may prove something for humanity."

To make certain that it wasn't malaria he had, Doctor Carroll himself went to the laboratory, took a sample of his own blood, and examined it under the miscroscope. No malaria was there. Next morning, Lazear carried him to the yellow-fever ward and there, near to death, Carroll lay for days. Once Lazear thought his heart had stopped; but Carroll's fine constitution rallied. Eventually, he recovered, but a serious heart trouble followed as a direct result of the fever. He died of this seven years later.

Following Carroll, Pvt. William Dean, of Grand Rapids, Mich., let himself be bitten by four mosquitoes, including the one that had downed Carroll. Soon he, too, was tossing in delirium. But Lazear, as he fought for the lives of his charges, wasn't sure as yet. There was a possibility, he reasoned, that Carroll and Dean might have exposed themselves to infection in other ways. As he pondered over this a mosquito of the deadly species alighted on his wrist. He was about to brush off the insect when deliberately he restrained his hand. All about him were yellow-fever patients. This mosquito was living among them. Lazear let the insect drink its fill.

Four days later, toward evening, he had his first chill. A languor came over him, but he fought it back. All that night and on to dawn he sat at his desk that he might give to the world a written record of his investigations. Steadily he noted his symptoms. The task done at last he staggered weakly with the manuscript to Carroll, placed the paper in his hands, and took to his bed. He died at the end of the sixth day.

In all the chronicles of war, since the first war, in all the pages of literature, I believe there is no more inspiring example of sacrifice and courage than this tale of Lazear and Carroll, and of Dean, Kissenger, Moran, Cook, and those others who led the way to man's victory over yellow fever.

Science must be exact. The heroism of Lazear, Carroll, and of Dean, the soldier, was not enough. There was still a possibility of error. The earth was not yet dry over the grave of Lazear before Pvt. John R. Kissenger and Civilian Clerk John J. Moran offered themselves to Reed for experiment.

"But surely you can't realize the danger," Reed protested. "In some epidemics, 85 men out of a hundred have died of this fever; in others, 50 out of 100; seldom less than 20 out of 100 die!"

"We know," answered Kissenger and Moran. "We are ready."

Reed spoke of a reward for their services. General Wood already had authorized it.

"Forget that, sir," said the two. "We offer ourselves for science and humanity. Our one condition is that we will get no reward for what we do."

Reed, a major, rose to his feet, stood at attention. His hand went to the peak of his cap. "Gentlemen," he said humbly, to this private and to this civilian clerk, "I am honored to salute you!"

Others came forward. Others went down on their backs in the fever wards, volunteers who knew the frightful price. The mosquito was almost convicted; but still a terrible test or two remained. For a century men had believed the disease contagious. The clothing of the sick, the linens and blankets of their beds—these things, the doctors believed, spread yellow fever from the sick to the well.

So a little house was built and called "House No. 1." It was only 14 by 20 feet. The two doors were so arranged, one back of the other, that no mosquitoes possibly could get in. A stove was placed in the building to keep the temperature steadily above 90, and tubs of water were put inside, that the atmosphere would be as soggy as that of a well. Then into this house were taken the cots and mattresses and bedding of men who had died of yellow fever. And into that foul trap,

worse than any Dark Age dungeon, walked of their own free will three men—Dr. R. P. Cook, Pvt. Levi E. Folk, and Pvt. Warren G. Jernegan. They ate there, lived there, slept in those beds for 20 days and 20 nights.

Not one of the three developed yellow fever. More tests were made in the house; but to the astonishment of every man who professed to know medicine no fever patients came from it. "But how do you know," the skeptics demanded of Reed, "that these men, Folk, Jernegan, and the others, are not immune to yellow fever?"

Silence.

Reed had asked the maximum. He could ask no more. But Folk and Jernegan—what soldiers of America for whom monuments have been built have done more? They stepped forward, eyes front, heels together. "We are willing to be inoculated," they said, "Let's make the test beyond question."

Yellow-fever blood was injected directly into Jernegan's arm, and mosquitoes deadly with the disease were permitted to bite Folk. Shortly came the dread signs, the yellowing of the face, the hiccoughs, the nausea. Reed went down on his knees and thanked God when they recovered.

The theory proved? You would think so. But "Not yet!" cried the skeptics. They still argued that sanitation was the thing, not mosquitoes, that cleanliness would stamp out yellow fever. So near by House No. 1 was built House No. 2. It had two rooms. Each of the rooms was as clean as Spotless Town. The sheets and coverlets of the beds were like snow. Pure air and sunlight poured in through the wide windows.

"Try me again," begged John J. Moran, who miraculously had escaped yellow fever in his first test.

So into one room of house No. 2, carefully screened against the entrance of a single mosquito, were shut two American boys. Into the other room was shut Moran, and in there with him were released a dozen mosquitoes from the hospital wards of the sick. This time, though the boys in the screened room remained in perfect health, Moran, in the adjoining room, did not escape. The spotless walls, the sunshine, the clean air did not save him. However, again Reed and his men worked wonders, and Moran's life was saved. The skeptics, hearing, said no more. The way was open to wipe yellow fever from Cuba, and from the whole of the two American continents! The building of the Panama Canal in what was a hotbed of fever was made possible!

For the yellow-fever-bearing mosquito, it was found, had a peculiar trait; it would breed only in clean, fresh water in and about the homes of men. It was a domestic insect, and not of the wilds and swamps. Proper screening could keep it from homes, and proper coverings over all water vessels, rain barrels, and wells could keep it from laying its eggs there. As soon as its breeding places are rendered inaccessible and homes screened against it, this mosquito vanishes from a city. To-day there is no yellow fever to speak of in the Americas!

Now go West with me. When the first white settlers went into Idaho and Montana friendly Indians gave them a mysterious warning. "That valley bad place for man," they said. "Better stay out. You die there."

The settlers looked out over the valley indicated. They saw rich land, abundant water, remarkable advantages of climate. "Those infernal Indian are trying to trick us," they shrugged, and with their cattle and implements and children they moved in to establish homesteads. Then shortly, from out of nowhere, came disaster.

Strong men went down on their backs with a fever which was as strange to them as the cause of it. Ugly spots appeared on their bodies, and in some instances 7 out of 10 thus stricken died. The physicians of the new country were helpless before this fever, and the word spread that certain valleys were accursed.

Settlers already located in them abandoned their homes and fled. Newcomers passed them by, despite their fertility and charm. As years passed, the fever cropped out in all the Rocky Mountain States. It spread north into Canada and even into Alaska, while medical men puzzled and sweated to find its cause. One mystery of the disease was that it occurred only in the spring of the year.

About this time, a young doctor, Howard T. Ricketts, was rising to fame in Chicago, where he was associate professor of pathology in the city university. He was brilliant, indefatigable, and seemed fired with an uncontrollable passion to allay in some measure the sufferings of mankind. Long hours, after his classes, he put in at the laboratory, engaged in research, driving himself mercilessly, often until dawn. At length his health broke. He was ordered to go into the outdoors and rest.

By some irony, Ricketts picked for his enforced vacation a spot in Montana. It was in the spring of 1908 that he reached there, and the mysterious fever of the mountain lands, known as Rocky Mountain spotted fever, was taking its annual toll. Forgetting all orders, Ricketts began to make inquiries, to visit sick beds, to consult medical men who had studied this disease. What was his own health, when the health of others was at stake, when those at his very hand were suffering and dying?

"I've got to find the cause for this," said Ricketts. "We can't check the disease until we find its cause."

So he began to pry about in out-of-way places, always asking questions, digging out details others had deemed too small to bother with. "Maybe an insect spreads the disease," he hazarded, and started searching for this insect. The fever victims were farmers, cattlemen, lumbermen. This fact suggested to Ricketts that beasts might harbor the dangerous insect. Finally, after endless experiments and failures, he set his suspicion on a wood tick. Numerous fever patients recalled having been bitten by this tick.

Whereupon, Ricketts began to study and collect ticks. And he found that by means of ticks he was able to transfer the fever from one guinea pig to another. He bred ticks in the laboratory, and found that the infection they carried was hereditary, that only the adult females could convey the fever to man. Scouring the foothills with tireless energy, exposing himself a thousand times, while his own health waned, he captured and studied the wild animals of the country, and thus discovered that the gopher, the chipmunk, and the ground squirrel were the tick's most ready carrying agents.

Dangerous business this, that Ricketts was engaged in. One bite from a tick would certainly have been fatal to him in his weakened and worn-out condition. But for two years he pushed on in this work.

Ricketts solved the spotted-fever mystery and showed how the West could be freed of it, by ridding the foothills of the small-animal hosts of the tick, and by keeping livestock free of the pest. Between 1907 and 1911 he published 15 authoritative papers on the disease. But he wasn't satisfied that he had done enough, which is a trait of these pioneers, such as Ricketts. They don't retire upon a single conquest. Search their biographies; you will find that even in death they don't retire!

Dr. W. W. Keen, the famous Philadelphia surgeon, tells of a letter he received once from a doctor—not a noted doctor, I believe, but a plain old family physician whose life had been given to administering to the commoner ills.

"I am afflicted with a disease," he wrote, "which I know is mortal. My usefulness in this world is about at its end. But if it will be of any service to humanity, I want to offer myself for experiment. I am willing to submit to any operation, however painful, without any anesthetic, if science will be helped by it."

I have already told you of how Jesse Lazear, fighting off the chills and deadly languor of yellow fever, held himself all night to his desk that a written record of his work and of his symptoms might be left behind. Medicine is replete with such examples. They should be an inspiration to every one of us, regardless of what may be our work.

So Ricketts wanted to do more. The University of Pennsylvania had just called him to fill the chair of pathology, but he couldn't go to Philadelphia yet. Typhus fever was rampant in Mexico. It was sweeping through the jails and labor camps, through the congested districts of cities, claiming hundreds, threatening thousands. The cause of it, how it was transmitted, how to stop its ravages, nobody knew. It was another mystery.

Ricketts packed up, said good-by to the comfort and security of his home, and went to Mexico City, center of the disease. I don't believe he ever did take that vacation the doctors recommended.

Into the jails he went, into the fever-stricken camps, into the contagious wards of the hospitals. Again he was on the trail of an insect, an insect that thrived on uncleanliness, the body louse.

In April, while Mexico waxed hot, he and an associate, Wilder, announced a vital discovery for medical science. They had been able to transmit typhus fever by the bite of the body louse from man to monkey and from monkey to monkey. This was only a beginning, of course, but Ricketts was on the way to something. He was a seer who had peeped behind the veil of the mystery—and he was only 39 years old; years of labor were still ahead of him.

But one morning before that month was out this doughty searcher after truth failed to rise from his bed. His thin face was flushed and his pulse raced. The chills of fever racked his body, worn out and weak from days and nights of unbroken, unselfish work for others; the lice to which he had traced the disease had gotten to him in spite of his precautions. He died less than a month after announcement of his discovery, a martyr to the cause of man's well-being if ever there was one.

During the latter quarter of the past century there were mighty discoveries made on both sides of the Atlantic in electricity.

It was quite natural, therefore, for the scientists to search electricity for possible weapons against disease. And at Wurzburg, a Prussian professor of physics, Wilhelm Konrad Röntgen, accidentally discovered the X ray. At first Röntgen had no idea what those rays were or what they would do. They were unknown quantities, and in algebra the unknown is represented by the letter x. So Röntgen named his discovery the X rays, and a new door was opened to science, and a marvelous new instrument given to our hospitals.

The X-ray machine soon became a part of the equipment in every hospital of consequence, and medical men worked daily with its rays, of which little or nothing exact was known beyond the good they did.

The machine was a boon to mankind, and yet it held a terrible menace to every doctor who used it—a menace which only grim experience, and pain, and death itself could disclose.

Almost every big city and big hospital can lay claim to one or more of these heroes of the X ray. The story of Mihran Krikor Kassabian, an immigrant, is perhaps the most picturesque, but in the main it is only typical of what dozens of other medical men went through, here and abroad.

Kassabian was born in Cappadocia, Asia Minor. As a boy he experienced earthquake, was exposed to epidemics of cholera, and was surrounded by the horrors of massacre. His early education was received in the American Missionary Institute, and that turned his eyes toward the new land of the west. He went to London—as far as his savings would take him—resolved to be a missionary himself. He had that fire which burns in some men, to help, to give, to sacrifice, that his fellow men might live more happily. In London he studied theology and medicine; he also became interested in photography. From photography to the X ray was but a step for a medical student.

A year in London, working his own way, gave him means to complete his journey to America. He became a student at the Medico-Chirurgical College, in Philadelphia, and for the next four years waged that battle of every poor immigrant student, in which ambition pits itself against discouragement and want. He was never idle, and dared not be. His only money was what he earned, after classes, between classes, nights, and during vacations. In 1898, even as McKinley declared war, he received his degree in medicine.

A war on, danger about, there was no holding Kassabian in civilian pursuits. Besides, he felt he owed something to this land of his adoption, America. So he enlisted in the Medical Corps of the Regular Army, was assigned to a hospital, and helped fight that enemy which took a bigger toll than Spanish bullets—disease. In 1903, a civilian again, he was appointed director of the X-ray laboratory of the Philadelphia Hospital. It was not the wealthy that he attended here; his patients were from the congested districts, the narrow back streets, and the stuffy tenements.

Now, there is a mysterious thing about the X rays of which I have already hinted. The rays, used upon a sick or injured man for the purpose of diagnosis or treatment, are harmless to him. The patient is exposed to them only for a brief time, but the X-ray specialist, exposed to those same rays in case after case, day after day, for months on end, plays with almost certain death unless he has a means of protection.

But Kassabian and those others knew nothing of this. They did their work with bare hands. And one day Kassabian detected a small ulcer on the back of one of his hands. Other ulcers soon appeared, until both of his hands and wrists were covered with them, ugly spots from which came the most excruciating pain. The usual treatments did no good whatsoever; instead this malady of the skin grew worse. Then Kassabian knew. The wonderful rays by which he was able to save the lives of others were literally eating him away.

I won't torture you with what Kassabian went through, with what those others of that early band went through. It would be cruel. The only remedy, and that a passing one, was the surgeon's knife, applied again and again. Not a day passed that Kassabian, this missionary self-made, did not endure untold agony. But what was agony before a vision, before that inner fire to do? Quit work? No, not Kassabian!

While his life was being eaten away he rose to eminence. He studied, he wrote, he went back to that machine to let it do its worst on him. Famous medical societies heard of his work and honored him by offices. He became X-ray expert to the Tuberculosis Congress, represented the American Medical Association at international meetings abroad, and back in Philadelphia kept up his work in that laboratory, a doomed man, but one still with his boots on. Death, with which he had raced for a half dozen years, overtook him in 1910, when he was not yet 40 years of age.

Lead, the metal which the X rays can not penetrate, protects the Röntgenologist of to-day. He isn't asked to endure what Kassabian and more than a score of others went through. These were the trail blazers.

But as long as germs and microbes are studied by men in laboratories, as long as surgeons operate, as long as disease remains an ordeal of mankind, there will be dangers just as deadly for men of medicine to face, sometimes to win, sometimes to lose. The hero does not always rise to fame. He may be just "the doctor around the corner."

Dr. John H. Hartwell was one of these, of that legion to which belongs your doctor. He was first a teacher of physical culture, and was in his thirties before he won his medical degree. A kindly man, an able physician, a dynamo of energy and enthusiasm for his work, he rapidly built up an enormous practice in one of the northern residential districts of Philadelphia. His patients worshiped him, and Hartwell never said "No!" when a patient called. In his late forties, he was at his height, unsparing of himself, going night and day, regardless of season or weather. Many a night he had to do with only an hour or two of rest. It was a grilling work. Of wonderful physique, nevertheless it told on him. He was not the first of that army of family physicians to forget self and burn the candle at both ends.

One afternoon Hartwell was called hurriedly to the bedside of a little girl, the daughter of one of his old patients. The child was writhing in pain. His experience told him there was only a single chance to save her, and that a slender one. An abdominal operation was that hope. The child was rushed to a hospital, and Doctor Hartwell made ready his instruments. Skillfully he made his incision that would relieve the sufferer of the deadly poison pus that was taking her life. Perhaps, in the vital emergency of that moment, he was not as careful of his own safety as he might have been. Perhaps an all night and day of work without sleep had dulled his usually keen perception. Anyway, in the middle of the operation, the surgeon pricked his thumb with the knife. The cut laid open the protecting cover of his rubber glove.

Every surgeon faces this danger. Any man who operates on a case of infection exposes himself to deadly peril. And Hartwell, feeling the sting of that tiny cut, seeing the rent in his glove, knew full well that he was as near to death as a man who has swallowed poison. Unless he stopped the operation and gave attention to himself at once he knew the certain consequence—loss of his hand, loss of his arm, maybe loss of life.

But in that split second of realization, Hartwell realized also the danger to the child. He couldn't stop, and leave to that little girl one chance in ten thousand. The operation which he had started had to be done! A split second, I said, for he hesitated no longer than that. With steady, sure hands he finished the task. And on a cot in that same hospital only a day or two later he bade his wife good-bye and smilingly faced the beyond which claimed him.

Dr. Chalmers Da Costa, professor of surgery at Jefferson Hospital, Philadelphia, and one of the greatest authorities on surgery to-day, though he is so crippled by rheumatism that he no longer is able to operate, once said to me:

"In my career of 40 years I have known only one physician who shrank from his duty. He declined to dress a pus case after the surgeon had operated upon it. It is true that there were no rubber gloves in those days, but the surgeon had operated without gloves. Yet the assistant would not touch the case. One instance! And one instance only in 40 years!"

"What of the country doctor?" you ask.

I haven't forgotten him. Whenever the country doctor is mentioned, I think of stanch old Doctor Jones. Maybe his name wasn't Jones. It might have been Miller or Brown or Smith. But what does the name matter, for the world did not even know him when he lived?

Old "Doc" Jones was a village doctor in Ohio. With his old mare and rusty buggy he scoured the whole countryside about, through spring mud that slushed up to his axles, through snow, through rain, and scorching days of mid July. Sometimes he collected a dollar for a visit. Just as often the dollar went down in the old doctor's book. He never claimed to be much of a business man, and his landlord swore that "Doc" Jones was a full year behind in his rent.

Many a broken bone old "Doc" Jones set while a gaping farm hand held the kerosene lamp for him to see by. Many a blizzard he braved with that tired, sleepy mare to bring a new baby to town. Many a shabby account book he filled with many an entry of unpaid fees, only to toss the book eventually into a cluttered drawer to let the dust of years seal it forever. And after 47 hard years of practice he died—at his desk, his hoard head cradled in his arms while he snatched a mite of sleep in his dingy little office on the second floor.

The whole village, and folks from the hills and valleys for 20 miles about, turned out for the funeral. A few of those who knew raised a little fund among them to pay for the cemetery plot and the plain oak coffin. The fund wasn't sufficient to buy a monument.

But after the others had all gone, and the humble grave had been filled, one mourner lingered there alone. He was the new young doctor who recently had come to the village. He stood, head bared and bowed, before that unmarked burial spot.

Presently he left to return with a weather-beaten, faded bit of oblong board on which a message in dim gold letters was still distinguishable. It was the sign which for almost a half-century had directed the ailing and sick to the office on the second floor. And that, as a monument, he placed reverently on the mound of fresh earth:

"Doctor Jones Upstairs."

What finer epitaph could any man want? Who could write a nobler elegy?

NATIONALIZATION OF MARRIAGE AND DIVORCE

Mr. OVERMAN. Mr. President, I have in my hand two articles by a prominent lawyer, Mr. Iredell Meares, in regard to opposition to the proposed constitutional amendment now pending before the Judiciary Committee proposing a constitutional amendment in regard to the nationalization of marriage and divorce. The articles were published in the Woman Patriot.

I ask unanimous consent that they may be printed in the RECORD, together with an article taken from the New York Times and a letter from Mr. Meares to the Washington Post.

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

[From The Woman Patriot, Washington, D. C., January 1, 1928]

PROPOSED NATIONAL MARRIAGE AND DIVORCE AMENDMENT AND LAW

Senate joint resolution 40, House joint resolution 162, and Senate bill No. 1707

By Iredell Meares, Washington Counsel, Sentinels of the Republic

There has been introduced by Senator ARTHUR CAPPER, Republican, Kansas, at this session of Congress a resolution (S. J. Res. 40) proposing an amendment to the Constitution of the United States, "relative to marriage and divorce laws," to be submitted to the States for ratification which declares that:

"The Congress shall have power to make laws, which shall be uniform throughout the United States, on marriage and divorce, the legitimation of children, and the care and custody of children affected by annulment of marriage or by divorce."

Congressman CLARENCE J. MCLEOD, Republican, Michigan, has also introduced in the House a resolution (H. J. Res. 35) proposing an amendment, which declares:

"The Congress shall have power to establish uniform laws on the subjects of marriage and divorce from the bonds of matrimony throughout the United States."

The difference in the wording of the two resolutions is significant. The author of the House resolution had in mind the conferring upon Congress of power to legislate upon marriage and divorce and followed the usual, simple, concrete form ordinarily used by legislators; but the Capper Senate resolution significantly departs from this simple form, and while stalking in the guise of an amendment to confer power upon Congress to make uniform laws on the subject of marriage and divorce, would reincarnate, through veiled design, the discredited, obnoxious, and overwhelmingly rejected child labor amendment.

It would give Congress power to make laws on four distinct subjects:

1. On marriage and divorce.
2. The legitimation of children.
3. The custody and care of children affected by annulment of marriage.
4. The custody and care of children affected by divorce.

It is axiomatic that the power conferred includes all necessary power to carry into effect the direct power granted. So Congress could make laws, exercising full power over illegitimates, under the age of 21, whether affected by marriage or divorce or not, requiring their registration, their submission to control of Federal professional welfarers, direction of their training and control of their labor, and the equitable powers of State and Federal courts, now exercised in their discretion, would become subject to the particular law Congress might pass.

CAPPER BILL

Evidently in anticipation of such an amendment being adopted, Senator Capper has introduced a bill (S. 1707) "To provide for uniform regulations for marriage and divorce."

DOMESTIC RELATIONS

The regulation of the domestic relations of their citizens is at present peculiarly within the exclusive sovereignty of the States. Conditions suggesting the necessity or desirability of legislation upon the subject vary in different States. Thus Maine without a Negro, Mongolian, Malay, or Indian population, does not find it necessary to prohibit marriages between white persons and other races; but the Southern States, because of their large population of negroes, and certain Western States, because of the presence of people of the Mongolian, Malay, and Indian races, do find it necessary to prohibit miscegenation. Experience teaches them that the intermarriage of races is detrimental to both and injurious to society.

PROPONENTS' ARGUMENT

The advocates of this amendment argue that a uniform marriage and divorce law is desirable. Why? It could in no wise promote better marriages. It would not relieve the discordance of unwise or unhappy matrimonial alliances. The evil of divorce would not be reduced by it. About all the control of the subject by Congress could accomplish would be to relieve those who want divorces, but can not procure them in their own States for lack of legal grounds, of the necessity of removing their residence to some jurisdiction where they could allege legal grounds, not deemed sufficient in their home State, upon which to procure divorce.

The ratification and adoption of such an amendment would be another step in the tendency so prevalent to invade by Federal power the reserved rights of the States. It would be an interference with local self-government. The proposition is not to prohibit divorces for any cause in the United States, as is now prohibited in South Carolina by the constitution of that State. If the bill introduced by Senator CAPPER interprets the view of the advocates of the Federal power, and it becomes the law, the door of opportunity will be opened wider for unwise marriages and easier divorces.

STATE LAWS AS TO MARRIAGES

All the States, including Alaska, Hawaii, and Porto Rico, have statutory laws governing marriage and divorce. They all provide for license, designate by whom the marriage may be solemnized, require reports and registration to be made on the official records. These State laws generally provide that the children of a voidable marriage are legitimate, if born before the marriage is annulled.

The ages of consent are generally fixed by the State laws at 18 for males and 16 for females, but one or two States fix the age at 18 for males and 14 to 17 for females; all, where parties are under the legal age of 21, require the consent of parents or guardians. When either party to a marriage is incapable of consenting for want of legal age, the marriage is voidable, only at the suit of the party under legal age, if not confirmed after attaining the consent age. Where marriages are obtained through duress or fraud they can be voided by the party laboring under the force of fraud imposed. Marriages are prohibited where either party has a husband or wife living at the time of marriage. In some States the violation of these prohibitions to marry are made felonies. Taken generally these laws do not vary in basic essentials.

MISCEGENATION

In Alabama, Arkansas, Arizona, Colorado, Delaware, Indiana, Kentucky, Maryland, Louisiana, Oklahoma, Oregon, Texas, Virginia, and West Virginia, marriages are prohibited between a white person and negro or mulatto. In Arizona and California, between persons of Caucasian blood and their descendants, with Africans, Indians, and Mongolians or their descendants, and are declared void. In Florida, between a white person and negro, having one-third or more negro blood, and are declared void and issue illegitimate. In Mississippi, between a white person or a mulatto who has one-eighth of negro blood or with a Mongolian or a person who has one-eighth or more Mongolian blood, are void. In Missouri, between a white person and a negro or Mongolian. In Nevada and South Dakota, between a white person and a person of any other race. In North Carolina, between a white person and a negro or Indian or a white person and negro or Indian of descent to the third generation included. In North Dakota, between a white person and one of one-eighth of negro blood or more. In South Carolina, between a white person and negro and Indian, half-breed included. In Tennessee, between a white person and negro or persons descended from negroes to the third generation. In Wyoming, they are prohibited between white persons and negroes, mulattoes, Mongolians, or Malays. In Indiana, between white persons and persons of one-eighth or more negro blood. In Nebraska, between white persons and persons possessing one-eighth or more of negro, Japanese, or Chinese blood. In Oklahoma, between persons of white descent and not of such descent. In Oregon, between white persons and persons of one-fourth or more of negro or Mongolian blood (Chinese, Japanese, etc.).

In other words, 26 States have laws prohibiting intermarriages between white persons and persons of African, Mongolian, Malayan, or Indian descent; but the proposed bill of Senator CAPPER contains no such inhibitions.

STATE LAWS AS TO DIVORCE

An examination of the statutes of the several States, including Alaska, Porto Rico, and Hawaii, does not show any great lack of uniformity as to the main causes for which divorce is granted. Summarizing them it appears that absolute divorce will be granted for—

Adultery: In all the States except South Carolina which, by its constitution, prohibits divorce for any cause. The District of Columbia grants it only for this cause. New York only for this cause except by recent statute it added the cause of five years desertion.

Willful desertion: Granted in 44 States; time of desertion varying from 1 to 7 years in the different States.

Conviction for felony: Granted in 44 States.

Cruelty and inhuman treatment: Granted in 44 States.

Impotence at time of marriage: Granted in 36 States.

Habitual intemperance: Granted in 40 States.

Habitual use of narcotic drugs: Granted in 6 States.

Husband or wife living at time of marriage: Made specific grounds for divorce in 9 States. Such a marriage would be void with or without special legislation.

Incurable insanity: Granted in 9 States.

Pregnancy of wife by another man: Granted in 14 States.

Lewd and unchaste wife time of marriage: Granted in 4 States.

Willful neglect: Granted in 13 States.

Failure to support wife: Granted in 5 States and in 1 State when due to idleness, profligacy, or dissipation.

Gross neglect of duty: Granted in 3 States.

Duress or fraud in obtaining marriage: Granted in 9 States.

Continuous separation: Granted in 5 States, length of time varying from 3 to 7 years.

Mental incapacity at time of marriage: Granted in 3 States.

Absence without being heard from: Granted in 4 States; time 3 to 7 years.

Husband absents himself three years without providing for wife's support: Granted in 2 States.

SUPPLEMENTAL CAUSES

In the statutes of one State or another, but not in two States or more, the following causes for divorce are given: Bigamy; incest; crime against nature; vagrancy of husband; subjecting daughter to prostitution; contracting leprosy; contracting loathsome disease; communicating venereal disease; habitual violent temper; marriage on false rumor of death of husband or wife; public defamation by either wife or husband of the other; relations between parties such as law prohibited; husband's malicious attempt on life of spouse; parties within degree prohibited by law; consanguinity within prohibited degrees; divorce obtained in any State or county; attempt by wife or husband on life of other by means of malice; refusal for two years of wife to remove with husband to State of his residence; treatment endangering health or reason; joining religious sect or society professing marriage to be unlawful; joining religious sect or society whose creed required denunciation of marriage; procurement of divorce without the State while marrying obligation remains binding on other party within the State; any ground rendering in this State marriage void; complaining party married under age of consent at time of marriage and not confirmed after reaching age of consent; where wife goes to reside in another State and remains absent from husband 10 years without his consent; where wife of alien resides in State, living separately, and husband leaves United States for some foreign country not intending to return and without suitable provisions for wife's support.

CAUSES OF DIVORCE IN SENATOR CAPPER'S BILL

All the causes of divorce, as now allowed by the States, will be repealed by Senator CAPPER'S bill, if passed and the law held to be constitutional, for it provides—section—that "divorces may be decreed, upon application of the injured party, for the following causes and no other." It then names:

1. Adultery—which is now a cause in all the States.

2. Cruel and inhuman treatment—which is now a cause in 44 States.

3. Abandonment or failure to provide support for a period of one year—which is now a cause in 44 States, but not for so short period, except in one State.

4. Incurable insanity—which is now a cause in nine States. This bill does not say whether insanity existing at or subsequent to marriage.

5. Conviction of an infamous crime—which is now a cause in 44 States.

Thus, it will be seen that of the five causes of divorce stated in the bill, one of them, adultery, is the law in all the States, three of them, cruel and inhuman treatment, abandonment, and conviction of infamous crime, are the law in 44 States, and one, incurable insanity, is the law in 9 States; but impotence, a cause in 36 States; habitual intemperance, a cause in 40 States, and miscegenation, a cause in 26 States, are omitted. And since this bill, also, provides that no license shall be issued to persons under age or related, or "insane, imbecile, pauper, epileptic, feeble-minded, or afflicted with tuberculosis or venereal disease," it leaves open the right of marriage between the races.

NO FEDERAL MACHINERY

The bill provides no Federal machinery for the enforcement of the act and confers no power upon the Federal courts to grant divorces, but does undertake to require of State officials the carrying out of its provisions and declares, "the enforcement of this act shall be in the courts of the several States, in conformity to the laws thereof not in conflict with the provisions of this act."

Congress can not impose upon State officials and States courts the obligation to enforce any act it may pass, even if having constitutional power to legislate upon the subject, because the States are sovereign within their sphere and one sovereign can not prescribe or regulate the official duties of the officers or agents of another sovereign.

PRESCRIBE DUTIES OF STATE OFFICIALS

This bill not only directs the manner in which the marriage-license clerks or State officials shall issue licenses, prescribing the form, but subjects them to a fine of $100 to $500 or imprisonment in the county jail—why not in the governor's mansion?—for Congress has as much control over one as the other—for not more than one year, or both, if knowingly they shall issue any license contrary to the provisions of the act. The form of application and license are prescribed in the act. The States shall provide them. The marriage-license clerk "shall provide a suitable book to be called the marriage-license docket." At whose cost? The Government's, the State's, or the clerk's? The act does not state. "The license shall be directed to any person authorized by the law of the State to solemnize marriage between the parties," and "may authorize the marriage ceremony to be performed in any county of any State, but such county and State shall be specified in the license." So a clerk in San Diego, Calif., could authorize a marriage to be performed by some State agent in Bangor, Me. Thus Congress undertakes to direct a State agent in one State to direct a State agent in another State to perform an act neither have the legal power to direct. Then the marriage-license clerk of the State is required, on February 1 of each year, to make full report to the State board of health of his State under a penalty of $100. Like absurdities appear throughout this bill that might well enable it to take the prize for being the best of congressional curiosities.

POWERS OF CONGRESS

If Congress were vested with the power to so pass acts and impose their enforcement on State officials and State courts at State expense, the last vestige of the reserved rights of the States would be abrogated, for if the power rests in Congress, it could pass acts regulating any other subject matter of purely domestic and local concern, as, for instance, the regulation of domestic corporations, of eleemosynary and educational institutions, or property rights, or other matters entirely within the sphere of the States.

Even if the Constitution gave Congress the power to regulate marriage and divorce, it would not have the power to require of State agents or officials, appointed and paid by the State, to carry out its provisions, and it could only give the State courts concurrent power to enforce it, but not impose the duty upon them to do so.

If Congress is given power to regulate marriage and divorce, the moment it legislates the act passed by it would supersede all the laws of the State upon the subject, since an act of Congress made in pursuance of a constitutional grant of power overrides State acts upon the same subject.

Section 4 provides that no license shall be issued to one under the prescribed age (18 for males, 16 for females) or who is "insane, or an imbecile, pauper, epileptic, feeble-minded, or afflicted with tuberculosis or a venereal disease," or related within the degrees of kin specified.

The fact that it enumerates the impediments to the issuance of marriage and declares that "the issuance of a license shall not be deemed to remove or dispense with any legal disability, impediment, or prohibition rendering the marriage between the parties illegal" excludes all other impediments not enumerated. It is a well-established canon of construction that things enumerated in an act exclude those not enumerated.

So if this bill should be passed and become effective upon the adoption of the proposed amendment, if adopted, the laws of the 26 States which prohibit marriages between persons of the Caucasian or white race with Africans, Mongolians, Malayans, or Indians would be repealed; as well also all the prohibitions of State laws, which have been mentioned, except those included in the inhibitions enumerated in this bill.

It is true that the bill (sec. 38) declares that "the enforcement of this act shall be in the courts of the several States and in conformity to the laws thereof, not inconsistent with the provisions of this act," and if the bill as proposed retains all State laws in force not inconsistent with its provisions, then instead of obtaining the much-talked of uniformity it will only accentuate the divergence of the laws now prevailing.

ADDENDUM

Since the above monograph was prepared Congressman ERNEST W. GIBSON, Republican, of Vermont, has introduced in the House H. J. Res. 162, similar in all respects to the Capper amendment, except it has the additional provision "that the power to legislate concerning the relation"—that is, as to marriage—"between persons of different races is hereby reserved to and may be exercised by the several States."

CRUDITIES AND CURIOSITIES OF CAPPER BILL

Marriage may be validly contracted only after license obtained as in manner prescribed (sec. 2). No person can marry in any State until license is issued in county of State where woman resides (sec. 3). Application must be made by one or the other of the parties two weeks before issuance of license (sec. 5). In case of emergency, or extraordinary circumstances, the judge having probate jurisdiction may authorize issue before the expiration of two weeks (sec. 5). But no definition is given of what constitutes the "emergency" or "extraordinary circumstances," leaving as many varying constructions to be placed upon them as there are probate judges throughout the country!

Suppose a woman in Louisiana is called to the bedside of her affianced, taken suddenly ill or meeting with serious accident, who resides in Buffalo, N. Y., and in view of impending death or protracted illness both are desirous of being joined in marriage—an "extraordinary circumstance." But back to Louisiana she must go to the county where she resides, apply for license, petition to probate judge, go through the routine outlined to obtain license, and then back to Buffalo; whereas at present, between parties competent to contract, they could obtain license and be married without unreasonable obstructions in New York. Why throw greater impediments to marriage by these Federal regulations upon present adjustable and local State laws? Only to appease the never-satisfied raven of bureaucracy!—the creation of greater Federal power and high-salaried officials to enforce it.

PRIVATE REVELATIONS

After application and before it can be issued the contracting parties must in person appear and make oath that they are not under age, "or insane, or an imbecile, pauper, epileptic, feeble-minded, or afflicted with tuberculosis or a venereal disease" (sec. 4), stating date of contemplated marriage, and their "names, relationship, if any, physical and mental condition, age, nationality, residence and occupation," names of parents, guardians, or curators, "prior marriage or marriages of the parties, or either of them, and manner of the dissolution thereof" (sec. 6).

Such statement under oath may be made, separately or together, before "the court, magistrate, or justice of the peace of the county wherein either party resides and must be forwarded and received by the license clerk 10 days before license is issued" (sec. 6). If the pregnancy of the female under the age of 18 years or the birth of a child to her is shown, the probate judge, upon application of the parties, after hearings upon proper cause shown, may make an order allowing the marriage of such minor (sec. 7).

What public purpose is served to require of the hundreds of thousands of young persons throughout the country marrying every year to make under oath and officially record these humiliating self-revelations? Even of their denial that they exist!

Why should the young woman, whose shame her mate would protect by marriage, be obliged to confess and prove it, and have that confession and proof made a matter of official record, before being allowed to marry? We are not dealing with dogs, pigs, goats, sheep, or cattle, even though monkeys, or their descendants, would have it so.

STRIFE AND LITIGATION ENGENDERED

It is provided that immediately upon receipt the clerk shall enter upon the public record and "post in his office a notice of the names and residences of the parties applying therefor." Any person, whether kin or not to parties, believing "the statements of the application are false or insufficient, or that the applicants, or either of them, are incompetent to marry" may file in court under oath a petition for a rule "upon the parties making such application to show cause why the license should not be refused" (sec. 8). The court, if satisfied the objections are prima facie valid, must issue the rule; license is stayed, hearings had, and the court can sustain or overrule the objections. No appeal lies. The State probate judges do not have any power now to issue such rules. No procedure of its kind now exists. So, when under this act some "petty probate officer" says no, the once opening door of romance is banged in the face of Cupid and he remains shut out in the cold.

What an expanding field is here opened to irate, spiteful, revengeful, or mischief-making persons and to the self-appointed human stock-breeding specialists to exploit by objections their mad resentments and their neurotic theories as to the regulation—or prevention—of marriages? What an opportunity for blackmail!

Imagination staggers at the possibilities of bitter feuds, strife, and litigation which will arise, and of the confusion of varying decisions, constructions, and interpretations of the law, which several thousand petty "probate judges having jurisdiction" will make in as many thousand different ways as there are judges. There will be no court of appeal to reconcile the conflicts by definite and authoritative decisions to become precedents. None is provided for in this act.

INCITEMENT TO FRAUD

Section 28 is an incitement to fraud. If a person marry, having a former wife or husband living, and the parties to this subsequent marriage live together, but the one believing himself or herself to have been divorced from former husband or wife, or that he or she were dead; then after by death of or divorce from the former husband or wife, such subsequent marriage will be deemed valid and issue legitimate, provided the parties continue to live together as husband and wife, after the impediment is removed, and provided they shall have been married according to the provisions of this act.

Under present law, common or statutory, in every jurisdiction, the marriage of parties either of whom had a former wife or husband living at the time, is void; unless by judicial ascertainment the absence of such former wife or husband, without being heard from for seven or more years had been established, and upon presumption, he or she had been declared legally dead. Every lawyer of experience knows how easily persons may persuade themselves to believe what their impulses urge, so under this act, their marriage, under the circumstances, can be self-excused and the risk taken in expectation that, if absent husband or wife turns up, their marriage will remain valid by simply obtaining divorce from such former wife or husband, or will become so upon his or her death. The provision is an inducement to fraud by persons wanting to marry without waiting for divorce from or death of living wife or husband.

CONCLUSION

Other crudities and curiosities of this bill of bills might be suggested. Certainly, it might be designated as "an act to hamper marriage and make easy divorce."

The introduction of such a bill, if intended to be seriously urged and its passage asked, is a reflection upon the intelligence of the Members of Congress; upon the courts to presume, if passed and approved, they would sustain it; and upon the people to suppose they would submit to it.

IREDELL MEARES.

[From the Woman Patriot, Washington, D. C., February 15, 1928]

SHALL MARRIAGE AND DIVORCE BE NATIONALIZED?—FURTHER OBJECTIONS TO THE PROPOSED AMENDMENT AND LAW

By Iredell Meares, Washington Counsel, Sentinels of the Republic

Heretofore in the Woman Patriot the proposed amendment to the Constitution conferring power upon Congress to legislate upon the status of marriage and divorce, and the Capper bill, introduced in the Senate, to regulate both, were discussed. It is worth while to examine and analyze the argument frequently advanced by proponents of both measures.

It is argued as justifying an amendment to the Federal Constitution conferring power upon Congress to legislate in regard to marriage and divorce that as the condition now exists parties may be divorced in one State but not in another, since the decree of a State court is effective only within the State where rendered; therefore, it is contended, we need a uniform divorce law so that the decree of a court of any State granting divorce would operate and be effective in like manner in all the States.

FAITH AND CREDIT CLAUSE

The Constitution of the United States provides by Article IV, section 1, known as the faith and credit clause, that—

"Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved and the effect thereof."

The Congress by act of May 26, 1790 (R. S. 905), has provided the mode of authenticating the acts, records, and judicial proceedings of the States, and this act declares:

"And the said acts, records, and judicial proceedings, when authenticated as aforesaid, shall have such faith and credit given to them in every court within the United States as they have by law or usage in the courts of the State from whence the said records are or shall be taken."

The Supreme Court of the United States, in construing this article of the Constitution and the provisions of the quoted statute, declared that: "This does not prevent an inquiry into the jurisdiction of the court in which judgment is rendered to pronounce judgment; nor into the right of the State to exercise authority over the parties or the subject matter; nor whether the judgment is founded in and impeachable for a manifest fraud. The Constitution did not mean to confer any new power on the States, but simply to regulate the effect of their acknowledged jurisdiction over persons and things within their territory. It did not make the judgments of the States domestic judgments to all intents and purposes, but only gave a general validity, faith, and credit to them as evidence." (Cole *v.* Cunningham, 133 U. S. 107.) "But," says the same court, "when duly pleaded and proved in a court of that State they have the effect of being not merely prima facie evidence, but conclusive proof of the rights thereby adjudicated, and a refusal to give them the force and effect in this respect which they held in the State in which they were rendered denies to the party a right secured to him by the Constitution and laws of the United States." (Huntington *v.* Attrill, 146 U. S. 657.) In the case of Atherton *v.* Atherton (181 U. S. 155) the facts were that the husband, who resided in Kentucky, obtained a divorce from his wife, who had removed to New York, upon service of summons and complaint by mail. The Supreme Court of New York and the court of appeals of that State decided that the decree in Kentucky was inoperative and void as against the wife and gave her judgment in a suit brought by her in New York for divorce from bed and board, with custody of child and support. The Supreme Court of the United States reversed these opinions and said: "We are of opinion that the undisputed facts show that such efforts were required by the statutes of Kentucky and were actually made to give the wife actual notice of the suit in Kentucky as to make the decree of the court there, granting a divorce upon the grounds that she had abandoned her husband, as binding on her as if she had been served with notice in Kentucky or had voluntarily appeared in the suit. * * * The result is that the courts of New York have not given to the Kentucky decree of divorce the faith and credit which it had by law in Kentucky and that, therefore, the judgment must be reversed."

On the other hand, the Supreme Court of the United States has declared that a judgment of divorce obtained by a husband in a State to which he had gone in disregard of his duty, upon service of process by publication on the wife who had remained in the State of the domicile of matrimony and did not appear in the court, is not entitled to full faith and credit outside the State in which the divorce was granted. (Haddock *v.* Haddock, 201 U. S. 562; Thomson *v.* Thomson,

226 U. S. 551.) Again, the Supreme Court of the United States in the case of Andrews *v.* Andrews (188 U. S. 28) held that the full faith and credit clause was not violated by the refusal of the Massachusetts courts, acting under a State public statute, to give effect to a decree of divorce rendered by a court of another State in a suit instituted by one who temporarily left the State of Massachusetts, where he was domiciled, for the purpose of obtaining a divorce for a cause which occurred in that State while the parties resided there, but which was not a ground for divorce in that State. It will be interesting to note the reasoning of the court, which was stated as follows: "It can not be doubted that if a State may not forbid the enforcement within its borders of a decree of divorce procured by its own citizens, who, while retaining their domicile in the prohibiting State, have gone to another State to procure a divorce in fraud of the laws of the domicile, that the existence of all efficacious power on the subject of divorce will be at an end. This must follow if it be conceded that one who is domiciled in a State may, whenever he chooses, go into another State, and, without acquiring a bona fide domicile therein, obtain a divorce, and then compel the State of domicile to give full effect to the divorce thus fraudulently procured." It was also held in this case that the Supreme Court of the United States under the faith and credit clause of the Federal Constitution has jurisdiction to review the decision of a State supreme court refusing to give effect to the proceedings of another State and that the Supreme Court must judge for itself of the true nature and effect of the order relied on. So it has held in a series of other cases.

It is true that the Supreme Court of the United States in the case of Haddock *v.* Haddock (201 U. S. 562) held that "the mere domicile within the State of one party to the marriage does not give the courts of that State jurisdiction to render a judgment enforceable in all other States by virtue of the full faith and credit clause of the Federal Constitution against a nonresident who did not appear and was only constructively served with notice of the pendency of the action." The term "constructive notice," of course, refers to service of the summons and complaint by publication. Thus, if the plaintiff is domiciled in the State wherein suit is brought, but the defendant is domiciled in another State and is served with notice of the suit only by publication, the court, for want of proper jurisdiction of the defendant who does not voluntarily appear, can not render a decree which would be compulsory upon other States to enforce it in their jurisdiction. The court in this case said:

"The contention that if the power of the State to decree a dissolution of the marriage which would be compulsory upon the other States be limited to cases where both parties are subject to the jurisdiction, the right to obtain a divorce could be so hampered and restricted as to be in effect impossible of exercise, is but to insist that in order to favor the dissolution of marriage and to cause its permanency to depend on the mere caprices or wrong of the parties, there should not be applied to the right to obtain a divorce those fundamental principles which safeguard the exercise of the simplest rights. On the other hand, the denial of the power to enforce in another State a decree of divorce against a person who was not subject to the jurisdiction of the court in which the decree was rendered obviates all the contradictions and inconveniences which are above indicated. It leaves uncurtailed the legitimate power of all the States over a subject peculiarly within their authority, and thus not only enables them to maintain their public policy, but also to protect the individual rights of their citizens. It does not deprive a State of the power to render a decree of divorce susceptible of being enforced within its borders as to the person within the jurisdiction, and does not debar other States from giving such effect to a judgment of that character as they elect to do under mere principles of State comity. It causes the full faith and credit clause of the Constitution to operate upon decrees of divorce in the respective States just as that clause operates upon all other rights—that is, it compels all the States to recognize and enforce a judgment of divorce rendered in other States where both parties were subject to the jurisdiction of the State in which the decree was rendered, and it enables the States rendering such decree to take into view, for the purpose of the exercise of their authority, the existence of a matrimonial domicile from which the presence of a party not physically present within the borders of a State may be constructively found to exist."

As illustrative of the existence of a matrimonial domicile, the court refers to the case of Atherton *v.* Atherton, which we have quoted above. In that case the wife and husband resided in Kentucky. It was their matrimonial domicile. The wife wrongfully left her husband and took up a residence in New York. In a divorce suit in Kentucky she was served by publication under the Kentucky statute. The Supreme Court of the United States held that Kentucky, being her matrimonial domicile, the service was sufficient to give the Kentucky court jurisdiction to render a decree enforceable in other States under the faith and credit clause of the Federal Constitution, notwithstanding she was not personally served with notice of the suit and did not personally appear and defend.

It follows, then, that under the Constitution and decisions of the Supreme Court of the United States, if a decree is regularly obtained in one State it operates in all the States. If not regularly obtained, it may be disregarded in other States. And the refusal by one State to give full faith and credit to the judgment of another State raises a Federal constitutional question which, upon writ of error, would be heard and determined by the Supreme Court of the United States.

POWER TO CONGRESS FUTILE

If Congress were given power to legislate upon divorce by the adoption of an amendment to the Federal Constitution, the passage of an act by it prescribing the causes of divorce would relieve parties, who can not now secure divorce in their home State, from having to seek other States where the laws are suitable to their purposes; provided, of course, the act of Congress were to prescribe causes upon which they could maintain suit.

If the act of Congress, effective upon ratification of the amendment, were restricted to causes on the ground of which persons could not maintain action of divorce in the States, nothing would prevent them from resorting to France or Mexico or other foreign countries. In France only a short domicile is required, secrecy observed, and divorce is not difficult. In Mexico neither residence nor domicile is required and divorces may be had by consent; nor need the American citizen personally go to Mexico, but it may all be effected in short order by attorneys representing the parties—a mail-order divorce.

Even were Congress empowered and passed a divorce law, approved by the President, the courts of one State would not be obliged to give full faith and credit to a decree of another State without investigation if in a proper proceeding it were attacked for want of jurisdiction of the court rendering it or for fraud in obtaining it. Cases would as frequently then arise as now where courts would refuse full faith and credit to such judgments of other States. Then, as now, the litigation would have to be carried to the Supreme Court of the United States for final adjudication in each case.

If a decree were obtained in a foreign court in a suit wherein either of the parties were citizens of the United States, our courts, State or Federal, are not obliged to recognize it as dissolving the bonds of matrimony. One might be divorced in France or Mexico and not divorced here under the laws of the several States. Generally speaking, the comity between nations prevailing under international law would obligate the courts of one nation to recognize and give effect to the judgments of another nation, when properly pleaded, authenticated, and proven; but the rule is not unqualified. The general doctrine of the American courts in relation to foreign judgments is that they are prima facie evidence, but they are impeachable. The jurisdiction of the foreign court rendering the judgment, and its power over the parties and things in controversy may be inquired into, and the judgment impeached for fraud. (Hilton *v.* Guyot, 159 U. S. 113.)

In the case of Haddock *v.* Haddock, the Supreme Court of the United States cites with approval the language of an opinion of the Privy Council of England, wherein the principal is stated as follows:

"When the jurisdiction of the court is exercised according to the rules of international law, as in the case where the parties have their domicile within their forum, its decree dissolving their marriage ought to be respected by the tribunals of every civilized country. * * * On the other hand a decree of divorce a vinculo" (that is, absolute) "pronounced by a court whose jurisdiction is solely derived from some rule of municipal law peculiar to its forum, can not, when it trenches upon the interest of any other country to whose tribunal the spouses were amenable, claim extraterritorial authority."

Either party to the marriage, if divorce were obtained in a foreign country, could bring suit in the State court of his or her domicile, notwithstanding the amendment, if adopted, or any law by Congress passed in pursuance of the constitutional power conferred, to declare such foreign divorce void for fraud or in contravention of the municipal law of this country. The courts would have jurisdiction then as now to entertain the suit and pronounce judgment, and a uniform marriage and divorce law would not obviate the conflict between State judgments or judgments between State and foreign nations. If it were given such effect, the conflict between the decrees of foreign countries and possible decisions of State courts refusing to recognize them would remain when either party to the marriage sought to set aside a foreign judgment dissolving it. Thus the proponents of these measures would play the trick of the terrapin which slips off the log into the water to keep from getting wet by a shower of rain.

MARRIAGE STATUS

Lawyers speak of marriage as a civil contract. Churchmen view it as a religious sacrament. The eugenic-birth control artists view it as a physical process through which to breed babies, like pigs, to specified standards.

It is in a limited sense only a contract. The parties must be competent to marry under the regulations ordained by the States. Prenuptial agreements relative to property are recognized in law as contracts. On marriage the relation is not one of contract but of domestic status. Unlike the ordinary contract, it can not be modified, restricted, enlarged, or dissolved by mutual consent. Only the legislature of the State acting directly or by the courts which it creates can dissolve the marriage. The Supreme Court of the United States has held that marriage does not fall within the class of contracts the

obligation of which can not be impaired by the States. The marriage status involves responsibilities, alike to each other, offspring, and society. The State regulates this status. The Federal Government has no control over it. The Supreme Court of the United States has so held. "It is an institution in the maintenance of which in its purity the public is deeply interested, for it is the foundation of the family and of society, without which there would be neither civilization nor progress." (Maynard v. Hill, 125 U. S. 190.)

It is unfortunate that the spiritual ideal of marriage as a religious sacrament is not more firmly and universally instilled in the minds and hearts of the people. In the degree that we abandon this ideal the evil of divorce will remain. Loyalty in faith, if not in love, each to the other, is the basis of its maintenance, even as loyalty is the rock upon which in final analysis human character rests.

No legislation will correct the evil of divorce. It is the result of a decadence in popular esteem of the sanctity of marriage. Legislation may suppress its effect. It can not remove its cause. To invest Congress with the power to "make laws, which shall be uniform throughout the United States, on marriage and divorce," as proposed, will not suppress the evil, but will divest the several States of their inherent power to regulate the marriage status. Not only would Congress then have the power to legislate as to the competency of persons to marry, and in what manner marriage should be consummated, but, after consummation, to legislate as to the marriage status during its continuance.

This status is all embracing. It stops not at the ceremony. It is not limited to the personal relations of husband and wife. It involves children, their custody, rights, and welfare. It extends to marital property rights, courtesy, dower, separate estates, power to alienate, inheritance and devolution of estates, and many rights and interests arising out of the marriage status. Congress might not exercise the full extent of the power which the proposed amendment carries, but it could do so at its will if such an amendment were submitted to and ratified by the several States.

And the sovereign power of the several States over the domestic status of their citizens, now exercised in each State in accordance with local customs, traditions, and conditions, would be revolutionized, surrendered to, and centralized in the Federal Government to make more convenient and assured the obtaining of divorces by the comparative few of our population of 120,000,000 people, who are unfortunate in their matrimonial alliances. Even as we send forth to war the youth of our country, who suffer hardships, wounds, and death in order to defend and maintain our institutions, so may society require of the men and women who are dissatisfied or unfortunate in their marital relations that they find redress in the State of their own domicile, or, if unable to obtain it, endure the pangs of outrageous fortune for the sake of preservation, sanctity, and permanency of the institution of marriage.

NOTE.—Since the above was written the author finds in the New York Times the report of a novel suit to determine whether an agreement for alimony arising from a French divorce is valid in New York State. The suit was brought by Mrs. Ruth O'Neill against Alex. J. Hammerslough, her former husband, to collect the balance due under an agreement signed just before the decree was made on June 13, 1922. Each of the parties has since remarried.

"The answer," in the case, says the Times, "brings into question the validity of an agreement arising from the action of New York residents in going to Paris and submitting to the jurisdiction of the French courts to be divorced under circumstances asserted to be against public policy under the New York decisions." Thus, we find illustration of the argument that people wanting a divorce may repair to foreign countries, obtain divorce, but the validity of it may be tested here in the State courts. And if anything were wanting by way of further illustration, it will be found in an article, also quoted from the Times, appearing in this issue of the Woman Patriot.

[From the New York Times]

MEXICO PROVIDES TOURS OF DIVORCE—TRAVEL, SIGHTSEEING, HOTEL ACCOMMODATIONS, AND A DECREE ARE INCLUDED IN ARRANGEMENTS FOR VISITORS TO THE REPUBLIC

As a foreign Mecca for Americans seeking divorces the neighboring Republic of Mexico is coming forward as a rival of Paris. An officer of the Mexican Government, who is in a position to know, estimates that eight Americans are now arriving in Mexico every day for the purpose of seeking divorces, which means that Americans are being divorced under the laws of the southern Republic at the rate of 2,920 a year. This estimate would apply for the month of December, 1927, but, according to the Mexican authority, the number is constantly growing.

The last word in this modern phenomenon is the organized tour of divorce. Appropriating the wisdom and profiting by the experience of large travel agencies, managers of Mexican divorce tours undertake to arrange for their patrons not only the legal details of the severance of marital ties, but the engagement of all transportation and hotel accommodations—with pleasure excursions during the few days the client is waiting for the legal formalities to be concluded.

Laws of such Mexican States as Campeche, Morelos, and Sonora, are the result of amendments deliberately passed to attract the dollars of the Americanos. During what might be called the era of the divorce colony in Mexico—an epoch marked by the supremacy in this field of the State of Yucatan—the influx of gringos led to an improvement in Mexican beds, bathtubs, breakfasts, and bull fights. However, the most far-seeing entrepreneurs of divorce soon realized that, for all the pulling powers of such improvements, a slackening of legal requirements, and particularly a reduction of the term of residence required, went even further in attracting foreign business. This realization ushered in the sudden decline of the divorce colony and the rapid rise of the divorce tour. To-day the Mexican States leading in the production of decrees for foreigners are Campeche, Morelos, and Sonora.

SONORA BIDS FOR FAVOR

Entering the field of competition somewhat later than most of her sister states, Sonora has profited by their errors. Considerable effort has been made by Sonora to strengthen the validity of her divorces by accomplishing personal service of summons on defendants. Sonora law provides that the American defendant who has remained behind in the United States must be notified of the Mexican proceedings by an agent of the court, and 39 days are allowed within which to answer the suit.

When these amendments perfecting the Sonora law had been made, a Mexican came to the United States and began organizing "tours of divorce" across the border. He guides small groups of men and women interested in Mexican travel for the reason of divorce.

These voyagers gather from time to time at a headquarters, conveniently located near the Grand Central Station. Instructions are given and tickets and other reservations issued to Hermosillo, capital of Sonora. At Nogales, Ariz., they see fellow Americans leaving the train to walk across the street and get divorces in Nogales, Mexico. But no such crude procedure is followed in the tours, as is evidenced by the experience of a Boston woman.

"The morning after my arrival in Hermosillo," she said, "I awoke in a Swiss villa to hear the songs of southern birds. After an American breakfast I wandered about sniffing the fragrant flowers until my Mexican attorney came in a car to drive me to the judge's chambers. My attorney was Señor B., a friend of the governor of the State. He drove me to a building of Spanish type, with a flower-filled patio, looking like anything but the dismal sort of courthouse I had expected. The judge was in ordinary business clothes, a reserved, dignified man.

"Señor B. introduced me briefly and presented my petition for divorce. This was shorter than American papers of the kind, I should imagine, and simply stated the facts about my marriage, including the statements that I had been married for more than one year and that my husband and I had lived apart for more than six months (these terms are the minimum requirements under Sonoran law). There was no oral examination and no outsiders were present. I simply executed my complaint before a notary, then the judge bowed me out, and for three days I enjoyed the sights and fiestas of lovely Hermosillo.

"The only formality which remained for me was to execute a power of attorney, authorizing Señor B. to represent me to the conclusion of the case. I then returned to New York. Two weeks after I had executed my complaint the judge called my attorney into conference with the attorney appointed to represent my husband to see if a reconciliation could not be made. The law requires that this attempt at reconciliation be made within 15 days of the filing of the complaint. The lawyers told the court that no reconciliation was possible. In another two weeks I received a decree. Had my husband not seen fit to be represented in the case by an attorney I should have had to wait the full 39 days after the filing of the complaint, which is the time granted defendants to answer."

Such tours as this, including all expenses of litigation and travel, cost from $2,500 up. A more modest tour, with the plaintiff staying at a hotel instead of a "chateau," costs about $1,500.

HOW TO CUT THE COST

Of course, there are many ways of cutting expenses. In the case of most tourists from the Eastern United States advantage is taken of the nine months' round trip, with a stop-over in Arizona, offered by the railroads from eastern cities to California. The one item which can not be reduced is the State's charges. These amount to about $600 gold in Sonora, including a direct tax of $300 on divorces to Americans.

By sending his wedding certificate and grounds for petition ahead and by leaving power of attorney with a Mexican lawyer to conclude his case, the American need spend only three or four days in Sonora.

Probably more Americans are now seeking freedom in Morelos than in any other Mexican State. The experience of two who went there a few weeks ago is typical of that of hundreds of their countrymen. Mr. Y and Miss X proposed to get married as soon as Mr. Y had obtained a divorce. Miss X had a Mexican friend who introduced them to her cousin, a Mexican attorney in New York. This lawyer arranged all the details, even to the purchase of their tickets.

"We left New York on Thursday evening," relates Mr. Y, "and reached Mexico City on Monday. The Mexican trains afforded splendid

accommodations. We needed no Spanish. The menu was in English and the porter spoke good American.

"Mexico City is better lighted than New York. Its parks are as beautiful as those of Paris. We were in Mexico just over a month, nearly all of that time in Mexico City. We had to make four trips to Cuernavaca, capital of Morelos, which is a thrilling three hours' motor trip over good roads, including an almost perpendicular climb through some mountains.

"I got my decree on time, and without any trouble or publicity. The judge who granted it was a judge of the first instance, a State judge of civil cases from whom appeal goes only to the highest State court. My petition merely stated the facts briefly—that I was asking for a divorce on the grounds of incompatibility. There was no cross-examination or long rigmarole. As soon as I had the papers in my hand Miss X and I stepped across the street and were married by a judge of the civil registry."

Mr. Y's legal expenses, over and above his attorney's fee of $400, were $264.40. A charge of $25.50 for "domicile cost" is particularly revealing, for this represents the "investment" in Morelos business or the "donation" to Morelos charity which, as specified in the law, enabled Mr. Y to establish his "residence" in that State.

The easy laws now in force in the States of Vera Cruz, Jalisco, Chihuahua, and Coahuila stand virtually as they were written in 1915 or 1916. All these States permit divorce by "mutual consent."

Campeche requires a copy of the certificate of the marriage that is about to be dissolved, and this must be vouched for as authentic by the Mexican consul in the home district of the American. The court officer who unties the knot is a judge of the civil registry, corresponding to our registrar of vital statistics. In mutual-consent cases the decree may be delivered in a week or 10 days. In other cases "the papers" may not be turned out for from 10 to 45 days, but the plaintiff need not subject himself to the poor hotels of Campeche city all this time. Sometimes the defendant is served by a publication of summons in Campeche. To meet American criticism there is a growing tendency to indulge in the extra formality of mailing a copy of the summons to the defendant's last known address, but no plaintiff is denied a divorce if he pays all his fees. Five hundred American dollars is the standardized charge in Campeche, including all legal expenses.

In the spring of 1926 Campeche passed an amendment to her divorce law, leaving the determination of residence to the governor of the State, who, if he chooses, may grant a divorce to an American 24 hours after he or she arrives in the crumbling old seaport which was once the haunt of buccaneers.

[From Washington Post, Sunday, March 4, 1928]

DIVORCE DECREES ENFORCEABLE

To the EDITOR OF THE POST:

SIR: In your editorial, issue of the 2d, on "Marriage and divorce," this sentence occurs:

"Mrs. Edward F. White, of Indianapolis, vice president of the General Federation of Women's Clubs, struck a keynote for the proponents of the measure with the words: 'The well being of society as it concerns the relation of the sexes, the legitimacy of offspring, and the disposition of property alike require that one State or nation shall recognize the validity of marriages performed in other States or nations according to the law of the latter.'"

The Constitution of the United States (Art. IV, sec. 1) requires "that full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State," and, says the Supreme Court of the United States (133 U. S. 107), "when duly pleaded and proved in a court of that State, they have the effect of being not merely prima facie evidence but conclusive proof of the rights thereby adjudicated, and a refusal to give them the force and effect in this respect which they held in the State in which they were rendered denies to the party a right secured to him by the Constitution and laws of the United States."

Mrs. White, in support of her proposition before the Senate Judiciary Committee, cited a case from the Seventy-sixth North Carolina Reports, wherein the Supreme Court held that a marriage between a white person and negro, which had been consummated in South Carolina, where at that time it was legal, was not valid in North Carolina, where it was prohibited; but the couple were citizens of North Carolina, went to South Carolina, married, and immediately returned to the State. The ground of the decision was that, as citizens of North Carolina, they could not so evade its laws. The court sustained an indictment and their conviction for living in adultery. On the other hand, at the same term of the court, in a case reported in the same volume, the court set aside a conviction for the same offense of a white person and negro, who were domiciled and married in South Carolina, but afterwards removed to North Carolina. Their marriage was legal in South Carolina at the time. There had been no intent to evade the laws of North Carolina. They were not citizens of that State when married. The distinction between the cases is obvious.

The Supreme Court of the United States has declared that a judgment of divorce obtained by a husband in a State to which he had gone in disregard of his duty, upon service of process by publication on the wife, who had remained in the State of the domicile of matrimony and did not appear in the court, is not entitled to full faith and credit outside the State in which the divorce was granted (201 U. S. 562; 226 U. S. 551; 188 U. S. 28).

It would be interesting to note the reasoning of the court which, as stated in one of the cases, is as follows: "It can not be doubted that if a State may not forbid the enforcement within its borders of a decree of divorce procured by its own citizens, who, while retaining their domicile in the prohibiting State, have gone to another State to procure a divorce in fraud of the laws of the domicile, that the existence of all efficacious power on the subject of divorce will be at an end. This must follow, if it be conceded that one who is domiciled in a State may, whenever he chooses, go into another State, and, without acquiring a bona fide domicile therein, obtain a divorce, and then compel the State of domicile to give full effect to the divorce thus fraudulently procured." "This ruling," says the court, "leaves uncurtailed the legitimate power of all the States over a subject peculiarly within their authority, and thus not only enables them to maintain their public policy, but also to protect the individual rights of their citizens. It does not deprive a State of the power to render a decree of divorce susceptible of being enforced within its borders as to the person within the jurisdiction, and does not debar other States from giving such effect to a judgment of that character as they elect to do under mere principles of State comity. It causes the full faith and credit clause of the Constitution to operate upon decrees of divorce in the respective States just as that cause operates upon all other rights; that is, it compels all the States to recognize and enforce a judgment of divorce rendered in other States where both parties were subject to the jurisdiction of the State in which the decree was rendered."

It follows, then, that under the Constitution and decisions of the Supreme Court of the United States, if a decree is regularly obtained in one State it operates in all the States. If not regularly obtained, it may be disregarded in other States.

Mrs. White's "keynote" sounds no new principle of law, unless it is desired to open wide the door of opportunity for divorce decrees fraudulently obtained to become effective in all the States.

IREDELL MEARES.

THE BANKERS IN BOLIVIA

Mr. BROOKHART. Mr. President, I ask leave to insert in the RECORD an article entitled "The Bankers in Bolivia," by Mrs. Margaret Alexander Marsh.

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

THE BANKERS IN BOLIVIA

"The Bankers in Bolivia," a study of American foreign investment, by Mrs. Margaret Alexander Marsh, published by the Vanguard Press, gives the detailed story of the methods of American financial interests in extending financial hegemony over South American countries which should be studied by the American people. The book has been summarized by the Peoples' Lobby. Tin is the most important product of Bolivia, since a third of the national revenue and more than half of the total customs in 1925 were derived therefrom. The tin deposits are the second largest in the world, represent great natural wealth, and invite development. Tin is, moreover, of great importance to the United States, both because we consume more tin than any other country and because it is one of the raw materials essential to war which we lack and over which, according to Mr. Hoover, a foreign power exercises some measure of monopoly control.

The population of Bolivia is between two and a half and three million. There is practically no immigration. About 85 per cent of the population is illiterate and some 50 per cent desperately poor, living either in a state of peonage or eking out a miserable existence on the plateau of highland Bolivia.

Mining tin in Bolivia is a rather costly process. The total costs on the 6,837 tons of tin sold by the Patino Mines and Enterprises Consolidated, in 1925, amounted to $833.70 a ton, or 37 cents a pound. But tin sold in that year at an average of nearly $1,300 a ton, so that the company reported earnings of $5.08 per share and dividends of $3.15, or over 15 per cent. The British control of tin amounts almost to a monopoly since the Federated Malay States produce almost one-third of the world's output, while Bolivia's output was approximately one-fourth.

Among the tin companies either owned outright by North Americans or in which American capital is interested are the Fabulosa Mines, Consolidated; the Bolivia Tin Corporation; the International Mining Co., organized for W. R. Grace & Co. during the war; the Andes Tin Corporation; and the Berenguela Tin Mines (Ltd.).

While Bolivia has also deposits of gold and silver, as well as copper, the two metals, tin and lead, are infinitely more important. Bolivia's large export trade is almost entirely in minerals, "two-thirds of which were produced by foreign enterprise, with the result that the favorable trade balance individually referred to in Bolivian bond circulars and by brokers dealing in Bolivian securities has very little meaning in terms of national prosperity."

Bolivia also has oil fields. "In providing for the exploitation of her oil, Bolivia, like many of the countries of South America, has taken warning from Mexico's experience in attempting an eleventh-hour protection of her national interests, and on June 16, 1921, passed an oil law limiting to 100,000 hectares the amount of petroleum lands any one company or individual could exploit, restricting oil concessions to 55 years, and providing for a minimum royalty to the Government of 11 per cent of the oil produced. As far back as 1916, after more than 3,000,000 hectares had been conceded outright, the Bolivian oil deposits were nationalized and the further granting of oil lands in perpetuity prohibited. This cautious, though belated, policy of locking the stable was abandoned in 1920, when not only was the tax on oil lands reduced, but 66-year concessions to some 2,000,000 hectares were awarded in less than 10 days. The 1920 oil legislation did, however, raise the State's royalty from 10 to 12½ and even 15 per cent, and provided that 25 per cent of the net profits derived from exploiting the oil deposits on public lands should be paid into the local treasury of the department in which they were located. The law of 1921, which regulates the oil industry in Bolivia to-day, compromised on the State's share in the output, putting the minimum royalty at 11 per cent. Recognizing the industry as a public utility, the law permits concessionaires to utilize such public lands as they may need and to expropriate private lands, with compensation. It exempts them from customs duties during the life of their concessions, but levies a maximum land tax of 50 centavos per hectare after exploitation has begun, with a supertax of 30 per cent on private holdings of over 100,000 hectares. The concessionaires may build and operate railways and establish telephone and telegraph communications. On the other hand, they must comply with the law's specific requirements regarding development of their concessions and the percentage of Bolivian labor to be employed, and must accept the Calvo clause requiring foreign concessionaires to waive the right of appeal to their home governments and to submit disputes with regard to their interests to the Supreme Court of Bolivia.

"Under penalty of cancellation the holders of concessions are forbidden to alienate, transfer, or hypothecate their rights to foreign governments or their representatives or to admit them as partners or associates, and for the transfer of an oil concession to any foreign company or individual special permission from the Government is required.

"The 1921 law was not retroactive. Hence, its restriction of the size of oil holdings did not apply to the large concessions which had been granted in 1920 and earlier, nor did it affect the titles in perpetuity that had been secured under former laws. Two types of oil concessions are found, therefore, in Bolivia: The large private holdings in fee and the leased properties which are developed in partnership with the State (en Sociedad con el Estado). In the Standard Oil Co.'s extensive holdings in Bolivia both types are represented. These comprise in all over 7,000,000 acres, one-third leased under a partnership concession, the balance owned in fee through the purchase of old Bolivian and Chilean titles.

"The largest single oil concession granted by the Gutierrez Guerra government in 1920 was one of a million hectares to the Richmond Levering Co., of New York, which was transferred to the Standard Oil Co. of New Jersey on July 25, 1922, for about $2,500,000. Modified to fit the new oil law, which in turn may have altered previous legislation in order to adapt the Government's royalty to the Standard Oil's idea of a profitable basis for exploitation, the concession runs for 55 years, the land and all development on it to revert to the State without indemnity at the end of that time; at least 11 per cent of the oil produced is to be turned over to the State; and rights to the exploitation of the subsoil only are granted. Over a period of two years the company was privileged to explore an area of 4,000,000 hectares in the Departments of Santa Cruz, Chuquisaca, and Tarija; at the end of that time it had to choose its million and start drilling in accordance with the petroleum law. The contract grants the usual privileges regarding use of public lands, expropriation of private lands, installation of all necessary equipment, construction and operation of railways, roads, canals, and telegraph, telephone, and wireless communication, exemption from customs duties, and limited taxation up to the time production should begin. Exclusive right to produce, refine, and sell oil in the concession area is assured.

"On the other hand, not only does the concession prohibit recourse to any foreign government in the case of disputes over company's rights, but includes two additional clauses designed to safeguard the independence of the country and to prevent foreign oil interests from encroaching on Bolivia's sovereignty. One of these forbids the concessionaires from alienating or hypothecating the concession to any foreign government; the other makes the company promise not to interfere in the internal politics of Bolivia nor 'to place the capital, income, employees, or laborers of the company at the electoral or political service of either party' in Bolivia. In this last might be traced signs of an uneasiness on the part of the Saavedra government lest certain Liberal leaders, who had been influential in securing the original Levering concession, might look for their reward in terms of political support now, the Liberal government of Gutierrez Guerra having been overthrown in the revolution of July, 1920. In fact, with the Levering concession the Standard Oil acquired an obligation to an ex-minister of finance under the Liberal régime which cost the company a troublesome lawsuit, and as a feature of the settlement a possible competitor in the very heart of its own concession, a thorn in the side of the company whose policy it is to brook no rivals. The amusing spectacle of a Bolivian-American enterprise growing up some day, like an enclave, in the midst of the Standard Oil Co.'s territory is not without its irony."

"The oil industry," says Mrs. Marsh, "in Bolivia must be foreign enterprise, and foreigners will in the last analysis develop the resources of poor and backward countries only on their own terms."

RAILWAYS

Approximately $80,000,000 has been spent already on the building of Bolivia's railways. Most of this capital came from abroad, either in the form of railway loans to the Bolivian Government or as investment in private railway enterprises initiated and carried out by foreigners. The British interests control the Bolivian railway situation at the present time, but the initiative for building the main system and some of the capital used in its construction were American.

COPYING AMERICA'S FRENZIED RAILWAY FINANCING IN BOLIVIA

In 1905 an extensive survey of Bolivia and a scheme for a thousand-mile railway system was made by the banking firm of James Speyer & Co., of New York. The next year the Government signed a contract with Speyer & Co., which has been severely criticized. The cost to Bolivia has been about $22,000,000, including her obligatory investment in the second-mortgage bonds of the company and her guaranteed interest on the first-mortgage bonds. The Government has no chance, except through expropriation, of ever owning the railroads, as the concession is perpetual. The threatened bankruptcy of the Bolivia Railway Co., moreover, has weakened the country's credit reputation abroad. The Government was unable to get other bids on the construction of the road, because it had pledged itself not to begin other railway negotiations until a decision had been reached with the Speyer syndicate that organized the survey. Although the Speyer plan was accepted by the Government in May, 1906, only 416 out of the 1,000 miles of railroad planned have been constructed, and the plan of connecting the railways of Bolivia with the rivers of Brazil has not materialized.

The Speyer contract provided for the transfer of the concession to a company which it should organize, with power to issue about $18,000,000 in first-mortgage income bonds, to be taken by the Bolivian Government at par, the former to mature January 1, 1927, and the latter in 1932.

"In addition this new company was empowered to issue as much stock as it liked. Thus the bankers transferred all their rights and obligations to a corporation of limited liability, and after seeing that the bonds were distributed and after promoting the enterprise to the extent of bringing the Bolivia Railway Co. into existence withdrew from all responsibility. W. R. Grace & Co., of New York, the well-known Latin American exporting and importing house, as purchasing agents of the Speyer syndicate, saw to it that in the early stages at least American materials were used in the construction of the roads.

"In accordance with the contract the Bolivia Railway Co. was organized in Connecticut in 1907, with an authorized capital of $10,000,000, of which the National City Bank and Speyer & Co. received shares to the amount of $9,996,500 in payment for the concession. Actually only $3,500 of the share capital was paid up, the balance of the money for the enterprise being derived from the purchasers of the first-mortgage bonds, chiefly Europeans, and from the Bolivian Government, which by the contract was obliged to take the company's second-mortgage bonds. The Bolivia Railway Co. was to have the right to construct, own, and operate the new system of railways, to import construction materials and railway equipment free of customs duties for 30 years, to be exempt from all taxes or imposts of any sort during the same period, and to acquire up to 1,000 square leagues (1 league equals 1,785 hectares) of public lands in any part of Bolivia at the minimum legal price of 10 centavos per hectare if suited to agriculture and cattle breeding, or 1 boliviano if the land contained rubber trees. The building of the roads was begun by the South American Construction Co. on a basis of cost plus 10 per cent, but so wastefully, it is alleged, that it was turned over to the Antofagasta & Bolivia Railway Co., a British concern, which completed the mileage now comprising the Bolivia Railway, and in 1908 leased the system for 99 years. The total cost of the Bolivia Railway Co.'s lines was £6,673,232, or, at par, $32,475,284. The difference between this total and the issue of first-mortgage guaranteed bonds and second-mortgage bonds, a little over five and a half million dollars, was met by an additional issue of 6 per cent first-mortgage bonds without Government guaranty. At present the Antofagasta & Bolivia Railway owns a majority of the first-mortgage bonds and the greater part of the stock of the Bolivia Railway Co., although about $1,000,000 worth of the bonds are in the hands of American citizens.

"So far as Bolivia was concerned, the leasing of the new system to the Antofagasta changed the character of the enterprise altogether. The frank expectation that the Bolivia Railway Co. would compete with the British company by connecting with the Peruvian Railway to the north and with the Argentine system at La Quiaca was doomed

by this merger. From this time dates the monopoly which the Antofagasta & Bolivia Railway Co. exercises over Bolivia's railways, a control so complete that it reduces materially the effectiveness of Arica as an outlet for Bolivia.

"By means of excessive freight rates on goods exported by way of Arica, which must travel from Oruro to Viacha over a line operated by the Antofagasta & Bolivia Railway, the big mineral output of the Oruro district is deflected to the longer route via Antofagasta. Through this manipulation of the traffic handled by the Bolivia Railway Co. the earnings of the company have been so reduced that the Bolivian Government for the entire 20 years since the bonds were issued has had to cover the biggest part of the 5 per cent interest which it guaranteed on the first-mortgage bonds, while, needless to say, Bolivia has received nothing on the second-mortgage income bonds she holds. The former fell due January 1, 1927, and since the interest only and not the principal was guaranteed, the company has had to admit its inability to pay them. If the threatened foreclosure should be carried out, Bolivia stands to lose not only the full amount she invested in second-mortgage bonds, $12,150,000, which she has hoped to recover in 1932, but also the guaranteed interest payments for which, according to the Speyer contract, she was to be reimbursed in 30 years. Furthermore, with new railroad irons constantly in the fire, Bolivia can hardly afford to stand discredited in the New York and London money markets as a possible field for railway investment by the noise of such a failure. A reissue of bonds at the face value of the old ones, expropriation of the lines, with compensation, as a public utility and government ownership in the future, and a revaluation of the railroads with a new bond issue based on the new valuation are among the various forms of liquidation which have been suggested. In June, 1927, the Bolivian Government issued a decree expropriating the lines, but whether this is more than a gesture remains to be seen. The Minister of Public Works has declared since that the Government does not intend to act 'coercively.' To date no steps have been taken to execute the decree, and the railroad is operating under the same management as heretofore. As this goes to press a commission representing the bondholders, lessee, and stockholders is in La Paz to negotiate with the Bolivian Government for the reorganization of the financial affairs of the Bolivia Railway Co. How much the holders of the first-mortgage bonds, which have been selling recently at 50 or thereabouts, can collect on them is a question. The Antofagasta & Bolivia Railway Co. is, of course, the majority bondholder, and can rely on the large profits it derives from its railway monopoly in Bolivia to offset this loss. It seems fairly certain that Bolivia will need to write off the capital sunk in second-mortgage bonds as loss, except for the fact of the railways themselves, which are an unquestionable asset to the nation. She will, moreover, be relieved of the large monthly interest payments which have been a constant drain on the public treasury. Such is the inglorious end of the Speyer contract, a transaction which cost the National City Bank and Speyer & Co. practically nothing, netted them several millions of dollars on the sale of their share of the Bolivia Railway Co.'s stock, and won for this latter British company the key to the control of Bolivia's entire railway system.

"The most recent and most notorious part played by North Americans in Bolivian railway building is that of the Ulen Contracting Corporation of New York in connection with the Atocha-Villazon Railway. The southernmost stretch of the Bolivia Railway Co.'s lines, running from Uyuni, where the Antofagasta trains turn west to the Pacific, to the little Indian village of Atocha, left a gap of 128 miles in the longitudinal system that was to connect Buenos Aires by rail with La Paz, southern Peru, and the Pacific. This line follows the old mule track from the Argentine into Bolivia, one of the most famous of the early South American roads, and much used in the colonial days when the trading monoply granted to Panama caused much of the goods destined for Argentina to travel this long overland route. As early as 1912 a loan was negotiated in France for £1,000,000, at 5 per cent, to finance a portion of this missing link, and with the proceeds construction was begun by a French company. First, disagreement with the contractors; and then, in 1920, the Saavedra revolution caused suspension of the work. In the spring of 1921 a new contract was signed for the construction, for the account of the Bolivian Government, of a line to bridge the gap. The new contractors were the Ulen Contracting Corporation, a subsidiary of Stone & Webster, in turn affiliated with the American International Corporation and the National City Bank. The road was to be finished in approximately five years. The estimated cost was $10,000,000. American track equipment and motive power was to be installed. Construction was to be financed by a $7,000,000 bond issue, with the understanding that the Bolivian Government would furnish later any additional sums up to $10,000,000 that might be needed. These 20-year 8 per cent Government bonds, redeemable at any time at par, were to be taken by the contractors at 87½ and disposed of by them at whatever price they could get for them. In addition, the contract provided for a flat fee of $1,000,000 to the construction company when the road was completed. The negotiation of the refunding loan of 1922 led to the conversion of these bonds into bonds of the new issue. Before the road was completed bonds to the amount of $10,000,000 were issued; for $8,000,000 worth of them the Bolivian Government received 87½, according to its original contract with the Ulen Co., which had been modified on June 9, 1922, to make the conversion possible; for the balance, 91½. In the New York market they brought a price of 101.

"On this transaction the Ulen Contracting Co. reaped $1,270,000, though doubtless bearing its share of the bankers' fairly heavy expenses in advertising the bonds, to which must be added its 10 per cent fee of $1,000,000—a total of over two and a quarter million dollars for building 128 miles of railroad. Nor was the job really finished when the line was turned over to traffic in time for Bolivia's centenary in the summer of 1925. A fine piece of grading was done, and under difficult conditions, for the road drops from the Andean Plateau at Atocha to the level of the Argentine pampa, never so abrupt a descent as farther north in the Yungas country, but steep enough to put engineering skill and ingenuity to a fair test. But, apart from this, there is much cause for criticism of the job. Carelessness in laying the track and in protecting the road against the heavy seasonal rains of that region and inadequate and inferior equipment and rolling stock make it necessary for Bolivia to spend a part of its latest loan, another million dollars at least, in putting the Atocha-Villazon Railway into efficient running condition. Yet this railway has already cost the country $10,000,000, or $78,125 per mile. Some justification for the poor workmanship may lie in the rush to finish the road in time for the centennial celebration, which meant completion almost a year before the date originally contracted for, but the Bolivian Government, which provided the Ulen Contracting Co. financial compensation for this change in the contract, should not have been doubly penalized for hastening the work.

BOLIVIA'S BLANK CHECK TO THE BANKERS

"In 1908 Bolivia had the distinction of being a country without a foreign debt; by February, 1927, her external obligations had amounted to well over $40,000,000, all of which, except for a small loan of £600,000 obtained in London in 1925, was borrowed in the United States

"Apart from short-term loans and revolving credits, which have been repaid, Bolivia has successfully turned to New York four times within the last 10 years for capital. Little is known about the latest loan, that of $14,000,000 made early in 1927 by Dillon, Read & Co., of New York, beyond the fact that the price paid for the bonds was 90½ and that they were sold to the public at 98½. These are 31-year bonds, and carry 7 per cent interest.

"The first bit of North American long-term financing of Bolivia, except for the Morgan loan of 1908, which will be considered later, was the Yungas Railway loan of $2,400,000 at 6 per cent made in 1917 by Chandler & Co., at that time fiscal agents of Bolivia in the United States, and the Equitable Trust Co. of New York. Taken by the bankers at 90, the bonds were sold to the public at 96. These were specifically secured by a first mortgage on the electric railway to be built with the proceeds of the loan from La Paz to Coripata in the Yungas, a first lien on the Government-owned branch of the Arica-La Paz Railway to the copper-mining town of Corocoro, and a first charge on the general revenues of the Department of La Paz as well as on certain revenues of the department specially pledged to the service of the bonds. The loan contract provided for the purchase in the United States of materials used in building the railway and of rolling stock and equipment. As in all railway investment, it was hoped that the initial drag of interest and amortization charges would be counteracted later by sufficient earnings to make the road self-supporting, but the forced suspension of building, leaving the portion of the road that is constructed practically useless, as has been described in the chapter on railways, has left this loan a dead weight on the Bolivian Government. The bonds, when handled at all in the New York market, now sell for around 82. A balance of $1,788,500 was outstanding on June 30, 1926.

"Bolivia's second piece of financing in the United States was in 1920, just prior to the political revolution of that year, when the Government issued $2,253,000 in 6 per cent bonds, the so-called sanitation bonds of 1920, to mature in 1934, which the Ulen Contracting Corporation took in payment for the construction of the sewer systems of La Paz and Cochabamba. The contract called for the use of American materials in construction. These bonds were secured by a first lien on 15 different customs duties and internal revenues, largely departmental. The rate paid the Bolivian Government was 90 per cent. The prices at which the bonds were offered to the public, ranging from 82.24 to 97.74, provided a yield of from 8.25 to 8.50 per cent. There is now no active market for them. As sanitation is a form of public works that provides no revenue, the full weight of serving and retiring these bonds falls on the Bolivian Government. The amount outstanding on June 30, 1926, was $1,401,000, the 4 per cent amortization rate having accounted for the balance. Both the Yungas Railway and the sanitation loans were served by local revenues and constituted only contingent liabilities on the national treasury.

"In the history of Bolivian public finance these were, however, comparatively insignificant operations. The loan which overshadows all previous public borrowings and, owing to certain peculiar stipulations of the contract, even the political and administrative life of the coun-

try, was the $33,000,000 authorized bond issue negotiated in 1922 with the Stifel-Nicolaus Investment Co., of St. Louis; the Equitable Trust Co. and Spencer, Trask & Co., of New York. Apart from the two foreign loans just described, the Bolivian Government had on three previous occasions resorted to credit operations abroad; in 1908, when £500,000 was secured from J. P. Morgan & Co. at 6 per cent interest for the purpose of stabilizing Bolivian exchange, which had been upset by the financial crisis of 1907 in the United States, and to assist in establishing the currency on a gold basis; again, in 1910, when £1,500,000 was obtained in Paris at 5 per cent to establish the Banco de la Nacion; and lastly in 1913, when the Credit Mobiler loaned the Bolivian Government £1,000,000, also at 5' per cent, to build the Atocha-La Quiaca Railway. These loans were taken by the bankers at 90, 87, and 90 per cent, respectively. The bonds of the Morgan loan were not publicly offered; instead, at the time of the first French loan, £425,000 were purchased by the Bolivian Government and paid into the Banco de la Nacion to cover a part of the Government's subscription to the stock of the bank. A large share of the second French loan, nearly 13,000,000 francs, was never drawn by the Bolivian Government, but remained on deposit with the Credit Mobiler at 3 per cent interest, owing to the decline in the value of the franc, which would have made a transfer of funds at the time very costly to Bolivia. Positive advantage of the franc's depreciation was taken in 1920, when, by means of an internal short-term 8 per cent loan of Bs. 11,600,000 from the three principal banks of the country, the 1920 revolution having caused the breaking off of negotiations with Imbrie & Co. for a 6 per cent loan for this purpose, the entire French loans, which had not specified payment in gold, were liquidated. This transaction, which netted the Bolivian Government some 10,000,000 bolivianos, would have resulted in a clear saving to Bolivia if the money advanced by the Bolivian banks had not been repaid the following year in 8 per cent foreign gold bonds, whereas the French bonds carried only 5 per cent interest. Thus the French loans were consolidated in the now famous "Nicolaus" loan of 1922. By the terms of this loan the outstanding Morgan bonds, carrying only 6 per cent interest, were called in and paid, since their security conflicted with some of the liens pledged to the 1922 bonds. An authorized 8 per cent bond issue of $10,000,000, to be delivered to the Ulen Contracting Corporation, for the completion of the Atocha-Villazon Railway, of which $5,000,000 had already been issued, was for the same reason included in the new refunding loan. Thus Bolivia's entire foreign debt, except for the Yungas Railway and the sanitation bonds, was consolidated in the new American loan, which refunded a share of the internal debt as well.

"In 1920 there was a crisis in Bolivian politics. The Liberals after 10 years in power were ousted by the Republicans led by Bautista Saavedra, who later became president. Foreign loan negotiations were cut short.

"The Saavedra government soon needed money, and so badly that toward the end of 1921 it agreed to a six months' loan of $1,000,000, at 6 per cent, from the St. Louis firm of Stifel-Nicolaus, which contained, as alternative to an exorbitant commission of $90,000, an option on the blanket loan which the government was considering, and a preferential option for three years on any external loan the government might make within that period. The National City Bank, through the American International Corporation, had already outlined a plan for an 8 per cent refunding dollar loan of $25,000,000, three-fifths to be issued at once, which, owing to favorable exchange rates, it was estimated could reduce the $17,000,000 of government indebtedness, mostly internal, to $12,000,000, and might as a consequence restore Bolivian exchange to par, thus eliminating the 40 per cent or more premium Bolivia was paying in buying dollars to meet her foreign obligations. In the apparent competition with the National City Bank which ensued, the Stifel-Nicolaus Investment Co. won out, and by virtue of the prior option embodied in the emergency loan contracted in December, 1921, which prevented Bolivia from seeking the best terms in the open market, the much-criticized refunding loan of 1922 was concluded in the spring of that year. As the most spectacular single act of the new administration the loan became the butt of the opposition's attack on the Saavedra government. As a result, more is publicly known of the loan negotiations and terms than is usually the case with government financing, and to anyone interested in the expansion of our foreign government credits and in the relations of North American bankers with a weak and undeveloped South American State, the facts are of singular interest.

"'The Republic of Bolivia external 25-year secured refunding 8 per cent sinking fund gold bonds,' more easily described as Bolivian 8's of 1947, and in Bolivia known as the 'Nicholaus loan,' were issued to the amount of $29,000,000 with an additional $4,000,000 authorized, making a total authorized issue of $33,000,000, a sum far in excess of the amount originally contemplated by the Bolivian Government. Associated with the original banking house, Stifel-Nicholaus, in the issue, were the Equitable Trust Co. of New York, which acts as trustee, and Spencer Trask & Co. The bonds carry very specific and inclusive security, covering in 1922 considerably more than half, in 1925, owing to the tax reforms instituted in 1923, which enormously increased the tax on mining profits, almost two-thirds of the national income. So remarkable is the extent of the security pledged that the provisions of the contract with reference to security are worth quoting in full:

"'ARTICLE IV. SECTION 2

"'* * * The Republic hereby affects and encumbers with a first lien or pledge and charge in favor of the trustee the following shares of stock, funds, revenues, and taxes as security for the full payment of the principal, premium, and interest of the bonds, and of all other expenses and amounts required for or incident to this contract or to the service of the loan, to wit:

"'(a) All of the shares, not less than 114,000, of the Banco de la Nacion Boliviana belonging to the Republic, and which the Republic represents are sufficient at present to control said bank. * * * In case the capital stock of the Banco de la Nacion Boliviana should be increased at any time during the life of this loan, the Republic shall acquire such proportion of the additional shares as may be necessary to maintain the said control; the shares so acquired shall immediately thereafter be pledged as security for this loan. * * *

"'(b) All revenues representing dividends payable upon said shares during the life of this loan.

"'(c) The tax upon mining claims or concessions.

"'(d) The revenues received by the Republic from the alcohol monopoly.

"'(e) Ninety per cent of the revenues received by the Republic from the tobacco monopoly.

"'(f) The tax on corporations other than mining and banking.

"'(g) The tax upon the net income of banks.

"'(h) The tax on interest on mortgage cedulas.

"'(i) The tax on the net profits of mining companies.

"'(j) All import duties.

"'(k) Surcharge on import duties.

"'(l) All export duties. * * *

"'SEC. 4. As further security hereunder, the Republic hereby constitutes first mortgages and liens upon all the properties and earnings of the railroads constructed and to be constructed from Yillazon to Atocha and from Potosi to Sucre, including their franchises, concessions, equipment, and other appurtenances, and upon the net income of said railroads after deducting the expenses of operation. * * *

"'In case the said railroads, or either of them, should be sold as a result of the foreclosure of the mortgage or the enforcement of said lien, the purchaser at such sale and his heirs, personal representatives, successors, and assigns shall have * * * the right to operate the said railroad for a period of 99 years from the date of such purchase * * *.'

"Thus not only were the entire customs receipts, the source of 45 per cent of the total revenue of Bolivia, pledged along with certain collateral and indirect taxes, but some direct taxes as well, such as those on the net profits of mining companies, on corporations, and on the net income of banks. This was in itself a departure from the customary practice regarding security for foreign indebtedness. Moreover, to insure the actual collection of these taxes, and so that a steady income to cover the service of the debt might be counted on, it was stipulated in the contract that a permanent fiscal commission of three, two members of which should be nominated by the bankers, should have charge of the collection of taxes in the Republic during the quarter century life of the loan. The law authorizing the commission gave it power to supervise the collection of taxes both of a national and departmental character, and to revise the nation's accounts. The supreme decree of June 13, 1923, fixed more specifically the tax-collecting powers of the commission and named the president of the commission inspector general of banks and monopolies. It was provided that one of the two commissioners recommended by the bankers should serve as chairman or president of the commission and as a director of the Banco de la Nacion Boliviana. The other North American member of the commission has been made director general of customs, although this was not required by the contract."

When the Bolivian Government tried to secure a modification of the contract for the refunding loan it was informed that as the contract was a trust contract no changes were possible without the consent of the eight thousand and odd holders of the bonds, a thing next to impossible to secure.

THE POLITICAL SITUATION

Mr. NORRIS. Mr. President, I ask unanimous consent to have printed in the RECORD an article by the Senator from North Dakota [Mr. NYE] appearing in the June number of Plain Talk and entitled "If this be treason."

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

IF THIS BE TREASON—

By Senator GERALD P. NYE, of North Dakota

[That a terrific battle is soon to be waged for the control of Congress is obvious. Not since before the Civil War have party lines been so forgotten, especially in the Senate. More exciting things are to happen

in the future, Senator NYE predicts in this aggressive article. It sounds a note of warning which will be recalled in the impending presidential fight—and for years thereafter.]

Motherlands traditionally resent advice from their colonies; therein lies the reason why the latter cease to be colonies. Usually the process by which this separation is brought about is painful to both parties, but particularly disadvantageous to the motherland. There is, however, a possibility, still more horrible from the viewpoint of the mother country, and that is the possibility of the colony, instead of separating and going its own way, reversing that ancient order of things and taking over the management of the motherland.

This possibility should have the thoughtful and even prayerful consideration of those gentlemen who have so long dictated the governmental policy of the United States, and who seem to have adopted as their working motto the slogan of a former royal family of France. If it be true that a Bourbon learns nothing and forgets nothing, and if some of our present-day best minds view that as a characteristic worthy of emulation, it might be well for them to consider what happened to the Bourbons.

Ever since the first pioneer fought his way through the lonely trails across the Alleghenies and began the development of that part of the continent west of the Atlantic seaboard, there has been growing up a theory and practice that the resources of the United States were created by the Almighty for the benefit and profit of those who live in the great cities of the East. This concept is not at all dissimilar to that which animated George III and the ruling class of Great Britain at the time of the American Revolution. At that time the idea of the British ruling class was that an Englishman by crossing the Atlantic westward dedicated himself to the vocation of laboring for the profit of the Englishman who chose to stay at home. The modern adaptation of that theory is that an American who goes West dedicates his labors and energies to the profit of the American who remains in the East.

This theory, like other theories of colonial policy from which it is descended, has worked out to the advantage of the motherland in the beginning. But, and here again there is the parallel with the other colonial theories, it will not continue to work that way. It will not continue to work because the "colonists" are beginning to awaken to the realization that they have it in their power to change the order of things. From the realization of such power it is only a short step to its exercise and even that short step can be appreciably abbreviated by insolence and blind opposition.

It is but the literal truth that there are in the United States to-day many millions of citizens who are thoroughly disgusted with the functioning of the Federal Government. They are humiliated by the spectacle presented in a situation which enables a few favored individuals and industries to dictate Federal legislation and Federal bureaucratic administration in return for financing the campaigns of both of the major political parties. This justified indignation is crystallizing into a demand that something be done about the situation and it is hoped that in this article it may be shown that something can be done about it.

Geographic conditions and international complications made a political separation the most feasible and desirable solution of the problem at the time of the Revolution. A similar solution to-day is neither feasible nor desirable; indeed, it is unthinkable. But there remains the other alternative. The latter may not be desirable either, but it is feasible. At least, it is a possibility to-day and a probability to-morrow if the current trend of governmental policy is allowed to continue unchecked.

Only a cursory knowledge of present-day conditions is required for a realization that the entire economic structure, the entire financial system, indeed, the whole philosophy of government as manifested in its practical applications, is designed for the benefit of that group of States which lie east of the Mississippi and north of the Ohio and Potomac Rivers. This is the section which is enjoying—if any one is—the current condition of "prosperity" which has been so loudly proclaimed in high official quarters in recent months. In this section are located the great manufacturing industries which wax fat on the protective tariff; the great banks which drain their tribute from the entire Nation; the headquarters of the larger railroads; in a word, those who are prosperous because our current laws are what they are.

And it happens that the dominant States within this group are the seaboard States which have become accustomed to the idea that everything to the west of them is in the nature of a colonial possession to be exploited and developed for the benefit of those who have had the fortune to be located in this little group of States. Anything which interferes with the execution of this amiable theory is "Bolshevism," "Radicalism," "Socialism," or something equally obnoxious to the reactionary minds.

There are 16 States in this northeastern group, just one-third of the 48 Commonwealths which make up the Union. Why the interests of two-thirds should be subordinated to the interests of one-third is a question for which no answer is proffered here. It is much easier to explain why this condition came about and to show why the very reasons which made it possible now make possible its termination.

To begin with, 9 of the States in this group were members of the original 13 States of the Union. Two others, Vermont (1791) and Maine (1820) came in very soon after the establishment of the Federal Government. In the Congress of the 13 original States the Senators and Representatives from Massachusetts, Connecticut, Rhode Island, New Hampshire, New York, New Jersey, Delaware, Pennsylvania, and Maryland were in a position to have things their own way. They had 18 Senators, as compared with 8 for the other 4 States; and they had 42 Members of the original House of Representatives, as compared with an aggregate of 23 for Virginia, the Carolinas, and Georgia. When Vermont was admitted to the Union in 1791 the power of the northeastern group was increased.

Being in a position to have its own way, this group very early in our history became accustomed to doing so. Such is human nature. It is true that for a few years after the formation of the Union these States did not always act in harmony.

Having a surplus of power they used up some of it fighting among themselves, and that enabled Virginia to elect the early Presidents and eventually made possible the Jeffersonian triumph over the Federalists. But as the economic interests of this group became more and more identical there was a coalition of action in national affairs which has persisted down to the present day and which has persisted regardless of the different party labels which various States within the group wear from time to time. Thus, States like New York, Massachusetts, Rhode Island, Delaware, and Maryland frequently elect Democratic Senators and Representatives, but on fundamental economic issues it will usually be found that the Democrats from these States vote with the Republicans from Pennsylvania, New Hampshire, Connecticut, and Maine. Those who do not, usually have short official lives.

So it came about that under the dominance of this group of original States, augmented later by Ohio, Indiana, Illinois, and Michigan—all States in which there is great industrial development—there were laid the foundations of most of the present economic policies of the Nation. These States created and developed the protective tariff, they dominated the Congresses in which the legislation was framed that has permitted the financial destinies of the country to be dictated from New York—at first directly and in later years via a relay station in Washington. And that the States which dictated these policies have profited by them is so obvious that it would be needlessly boresome to quote statistics of income and capital to prove the point.

In justice, however, it must be said that if this group has managed the national show it has also paid the bill. For this there is no less an authority than the late Henry Cabot Lodge, who dwelt very close to the holy of holies of conservatism and who said on the floor of the United States Senate in 1923:

"I am putting it moderately when I say that nine-tenths of the money expended on behalf of the Democratic Party, as well as the Republican Party, is raised in the city of New York."

At the time Senator Lodge spoke the full import of the situation which he discussed had not become apparent. The long investigation of the Teapot Dome scandal was in its infancy, the Continental Trading Co.—the "fence" of the Teapot Dome gang—had not been heard of. Senator Lodge had before him only the mathematics of the case; he did not know and it is doubtful if anyone aside from the conspirators themselves ever will know the full measure of corruption then seething beneath the surface of national politics. Deaths and an epidemic of amnesia among the survivors have made the unraveling of this skein of national shame most difficult.

But the position of this group, which has managed and paid for the running of the Federal Government for so long, is by no means so impregnable to-day as it was in the earlier years of the Nation's history. We have seen that the States of this group which were represented in the First Congress held two-thirds of the seats in the Senate and nearly two-thirds of the seats in the House of Representatives. What is the situation in the Seventieth Congress, now in session?

The 16 States east of the Mississippi and north of the Ohio and the Potomac have 30 Senators. They will have 32 when Pennsylvania and Illinois have properly fumigated their election machinery. It may be necessary to call the marines home from their "fair-election-guarantee" mission in Nicaragua and station them in these two States to accomplish this fumigation, but eventually the fumigation will take place. In other words, the representation of this stronghold of conservatism in the Senate has changed from two-thirds in the First Congress to one-third in the Seventieth Congress. So far as the Senate is concerned these States combined do not now have sufficient votes to prevent the adoption of a constitutional amendment, whereas in the First Congress they could force a resolution for that purpose through the upper House.

And what of the House of Representatives? In the First Congress 2 votes added to the representation of the 9 original States mentioned and subtracted from the representation of the other 4 States would have given the 9 a majority of two-thirds. In the present Congress these 9 States, reinforced by their 7 allies, have 216 Representatives, or just 3 less than the representation of the other 32 States combined. The northeastern group in the House still has ample strength to block

a constitutional amendment there, but far less than enough to pass one through the House.

It must be remembered that the present strength of the Northeastern conservative group in the Senate will not become greater, the equal representation of States in the Senate being one of the things which may not be changed even by a constitutional amendment and the prospect of the admission of new States being exceedingly remote. But the trend of population is westward and, representation in the House being apportioned on the basis of population, it may be assumed that the Northeastern States are going to lose some of the strength which they still retain in the House.

The erstwhile dominant group, as has been pointed out, still has a veto power on constitutional amendments, although it should not be forgotten that the income-tax amendment was written into the Constitution not so long since. But most of the present economic structure, designed for the emolument and benefit of the industrial and financial centers, is not built up on constitutional amendments at all. It is based upon statutes, and statutes, which created it, can be repealed.

With conditions as they have been outlined, it would seem to be the part of wisdom for the industrial States of the East to seek to cooperate with the rest of the country. Indeed, it would seem to be the part of self-preservation.

There are many ways in which this cooperation might be made manifest. The rest of the country, and particularly the West, is vitally interested in a number of things. These problems include those of farm relief, discriminations in freight rates operating against the agricultural States, inland-waterway transportation, permanent improvements which might be expected to grow out of a flood-control program, control of the Federal reserve system to make another agricultural deflation program impossible and the upbuilding of the Federal farm land banks.

Underlying nearly all of these problems is the great problem of agriculture, which simmers down to the fact that the farmer must sell in an open, unprotected market and must buy in a closed and protected market. So far, the conservatives, with their legislative minorities reinforced by the veto power of the Executive, have been able to nullify the farmer's effort to protect his selling market.

But suppose the rest of the country should turn its energies from attempts to raise the farmer to a level with industry and seek, instead, to pull industry down to the level of agriculture. To speak more plainly, suppose the farmer should decide that it was hopeless to try to protect his own selling market and should then decide that the next best thing for him would be to remove the protection now given those who sell to him. Like all programs of destruction, it is not a pretty thought. But it would be a very logical step in desperation. There is expressed the thought that possibly the farmer himself would suffer thereby, but what of the industrialist and the financier?

Indications are not wanting that the ultraconservative elements sense danger from afar and are making desperate efforts to retain and consolidate the forces which still remain under their control. The attempted purchase of a seat in the United States Senate from Illinois is a case in point. The temporary success of the power lobby in defeating the proposal for a senatorial investigation of the political and other activities of public utilities is another example.

Perhaps the most striking, as illustrating a state of mind, was the vociferous opposition evoked during the consideration of the McMaster resolution suggesting a reduction in the tariff rates. This latter resolution was nothing more than an expression of opinion, a proper opinion to be sure, but of no legal effect whatever. Yet the batteries of conservatism belched forth fire and brimstone for nearly a week in an unsuccessful attempt to prevent the Senate from adopting the resolution. The opposition to this resolution served just one purpose—it put the tariff on the first page of every important newspaper in the country for a week, something which the friends of the resolution could not have done by months of oratory.

But power always becomes more ruthless—and more senseless—when it is waning. That is why tottering dynasties resort to their worst tyrannies just before they collapse; it is why regilious persecutions have always been most cruel when dominant churches realized that they were losing their hold. It was also the reason why England resorted to a series of legislative and political imbecilities just prior to the American Revolution. Is it unreasonable to ask now for the reason for the ocean of propaganda which prevails and which would convert all people to the belief that this was a most prosperous age, when prosperity is not to be found anywhere except in those quarters whose interests are daily recorded in the stock-market pages of the daily press?

The question is: What shall be done about it all? There recurs the ancient admonition of those in power, "If you don't like the way we are running things get out." New England gave social respectability to that idea when the codfish barons and the admirals of the rum and slave trade aristocracy objected to Mr. Madison's war because it interfered with business. The South took the idea more seriously in 1861 and with disastrous results.

But the idea of secession has no appeal to those who are dissatisfied with the workings of the Federal Government to-day. In the first place, it is repugnant to them; and, in the second place, there is no reason why they should choose to rule half of a country when they have it in their power to rule the whole. They have no quarrel with the American constitutional theory of government; they want to protect that theory from perversions to selfish ends. They do not want to destroy the ship of state; they want to recondition it by removing the barnacles that have attached themselves to it and are prospering thereon.

It is quite apparent that most of the abuses in governmental administration have one common ancestor; they are all the spawn of the current system of financing political campaigns—particularly national campaigns. So long as a candidate must depend upon contributions from a few wealthy men and a few great corporations for the funds with which to conduct his campaign, just that long will the abuses and corruption persist. It is time the American people realized that campaign contributions are given for value received.

The illustration of this principle offered in the case of the Teapot Dome scandal is so recent and so well known that it does not need elaboration here. Suffice it to say that the situation was found to be so revolting that a prominent Republican Senator felt called upon to raise $160,000 to get his party out of hock from Mr. Harry F. Sinclair. And the most nauseating part of the whole business, so far as this particular case is concerned, is that Mr. Sinclair's financing of the Republican deficit in 1923 was known by eminent leaders of the party who apparently saw no impropriety in it until the facts became public.

But it must not be inferred that this kind of political morality is confined to the Republican Party alone. The unterrified hosts of Democracy meeting in national convention in Baltimore in 1912 adopted a resolution in effect reading Thomas Fortune Ryan out of the party. And in 1928 this same Democracy, after the seven lean years since their party stepped from power, announced gleefully that Mr. Ryan had contributed $50,000 to the Democratic campaign fund. Just what sort of a political exorcism was conducted over Mr. Ryan between 1912 and 1928 is not clear.

One has only to study the vote of the United States Senate on the Mellon tax bill of a few years ago to realize that both the two major parties are most respectful of the source from which all campaign-fund blessings flow. This was the bill by which 20 of the heaviest contributors to the Republican campaign fund of the previous year obtained tax reductions totalling $11,650,571. And in a Senate almost equally divided between Democrats and Republicans there were just 8 votes cast against the bill.

If this favored group of States in the northeast persists, through the use of exorbitant campaign-fund contributions to dominate the affairs of the Nation, there is just one recourse open to the rest of the country. That is to take from this section the economic advantages which enable it to buy and hire parties and to buy elections. And how can this be done? The most obvious point of attack is the tariff. Suppose the sacred schedules of that institution were framed by men from the agricultural States instead of by the direct representatives of the industries affected. What would happen to the industries and what would happen to their excess profits now available for campaign contributions, if the farmers wrote those schedules with the sole view to equalizing his selling market with his buying market?

Then there is the matter of railroad rates. The East benefits immensely by the application of cheap transcontinental rates, designed to meet water competition. But suppose the interior should grow tired of that situation, should conclude that it is getting no benefits from permitting the railroads to make through rates to compete with the ocean freight carriers.

But consider the possibilities of tax revision. There are many who believe that the national debt inherited from the World War should be liquidated as speedily as possible. The only way that could be done is by increased taxes, and since taxes will produce no money unless they are levied upon those who have money, no gift of clairvoyance is required to foresee where that ax would fall.

The conservatives of the industrial Northeast have been able to prolong their rule of absolutism unduly, for one reason, because of the existence of the solid South. That heritage of hate has been responsible for keeping a great agricultural section from uniting in political action with its natural allies in the West and Northwest. Probably this situation will remain unchanged for some years. But it will not always be so. Even if the South does not change its traditional party label, it can still vote with its natural friends on questions of legislation. In fact, it is beginning to do so already in legislative matters.

For this embryonic coalition the reactionary elements in both parties deserve thanks which, probably, they will not appreciate. Every practical politician knows that—except through direct purchase or the employment of "watchers" as in Pennsylvania—it is impossible to deliver large blocks of votes for any given project. But the politicians also know that it is comparatively easy to deliver large masses of voters in opposition to some particular proposal which has aroused their ire. The Northeast is now doing for the West and South by the latter process what far-seeing leaders in the West and South have been hitherto unsuccessful in doing.

Unless we abandon faith in democratic government we must assume that the people will straighten out the situation in their own effective fashion. The house cleaning may come sooner than expected. If by some miracle either of the great parties should come through its approaching convention with clean hands and offer to the public a man untainted with the corruption of the past, that party may be given a chance to clean house in its own way after November. If neither party seizes this opportunity to put the other to shame, then it is quite possible that the American people could be interested in the possibility of a new alignment in politics which would mean something deeper than a party label. The great mass of the American electorate would look with a kindly eye upon such a development.

AMERICAN INVESTMENTS IN CHINA

Mr. HARRIS. Mr. President, I ask to have printed in the RECORD an article from the China Weekly Review of March 10, 1928, entitled "Senator WHEELER's inquiry into United States investments."

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

SENATOR WHEELER'S INQUIRY INTO UNITED STATES INVESTMENTS

The American consulate general at Shanghai is now engaged in an investigation of American financial investments in the Shanghai consular district. Blank forms have been sent out to American companies and private citizens asking them to list holdings of real estate, buildings, equipment, bonds, and other local securities. The letter which Mr. E. S. Cunningham, American consul general, sent out with the blank forms asking for information regarding American investments, said: "In view of the importance of the Government being in possession of adequate information, thus facilitating effective action at critical times, the prompt assistance of all concerned is earnestly solicited." This census of American financial holdings in the Shanghai consular district, and elsewhere in China, is being compiled as a result of a resolution which was introduced in the Senate some time ago by Senator BURTON K. WHEELER, of Montana, calling upon the Senate Foreign Relations Committee to "inquire into the nature and extent of concessions abroad held by American citizens or companies in which they are interested." Senator WHEELER was in China last spring when there was much talk about American intervention for the purpose of protecting "American lives and property" in China. Doubtless as a result of his trip he has decided that the American people at home are entitled to know just what lives and whose property it is protecting—and why. The Nation, in commenting on Senator WHEELER's resolution, says: "If our citizens are going to understand and correctly settle the numerous questions now growing out of our interests abroad, we must have adequate information as to what such interests are. We must no longer be satisfied with vague talk about protecting American lives and property. We must insist that the Department of State tell us precisely what lives and whose property it is protecting—and why." Everyone recognizes that a change has taken place in American diplomacy from the standpoint of protecting American interests abroad. In 1823, John Quincy Adams, Secretary of State, wrote that an American making a contract in a foreign country "has no claim whatever to call upon the Government of his nativity to espouse his claim, this Government having no right to compel that with which he voluntarily contracted to the performance of that contract." In 1856, Secretary of State Marcy wrote: "The Government of the United States is not bound to interfere to secure the fulfillment of contracts between their citizens and foreign governments, it being presumed that before entering into such contracts the disposition and ability of the foreign power to perform its obligations was examined, and the risk of failure taken into consideration." Then later on, in 1885, Secretary of State Bayard wrote that the American Government would do nothing more than draw the attention of a foreign sovereign to a contractual claim and this would be done only when the claim was "one susceptible of strong and clear proof." Owing to the vast development of American investments abroad since the World War there has naturally been a change in the attitude of the American Government in respect to the protection of American interests abroad, until there is a feeling in certain American circles now that the United States should send its marines every time some American wholesale grocer fails to obtain payment for a case of canned asparagus sold to some native dealer in Szechuen Province of China. There is a certain type of American engaged in foreign trade who apparently has forgotten that the marines are ordinary human geings such as the rest of us and looks upon them as a sort of mechanical debt-collecting agency to be used every time he gets into difficulty with his foreign contracts. In view of this situation, it is gratifying to know that Senator WHEELER has introduced his resolution and the Senate has given approval in order that the American people at home may be informed regarding just what American lives and property in China and other countries should be protected—and why!

LULU CHAPLIN

The PRESIDING OFFICER (Mr. CUTTING in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 374) for the relief of Lulu Chaplin, which was, on page 1, line 6, to strike out "$7,500" and insert "$5,000."

Mr. BLEASE. I move that the Senate concur in the House amendment.

The motion was agreed to.

FRANK TOPPING AND OTHERS

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 19) for the relief of Frank Topping and others, which was, on page 1, line 16, after the numerals "1922," to insert a colon and "*Provided*, That the amounts herein authorized shall constitute full settlement of said claims against the Government."

Mr. CAPPER. I move that the Senate concur in the House amendment.

The motion was agreed to.

NEAR EAST RELIEF (INC.)

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1287) for the relief of the Near East Relief (Inc.), which was, on page 1, line 8, after the word "war," to insert a colon and "*Provided*, That the Near East Relief (Inc.) shall first cancel all claims of whatever kind and description the said Near East Relief (Inc.) now holds against the United States Government."

Mr. CAPPER. I move that the Senate concur in the House amendment.

The motion was agreed to.

S. DAVIDSON & SONS

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1122) for the relief of S. Davidson & Sons, which was, on page 1, line 5, to strike out "$341.41" and insert "$300."

Mr. CARAWAY. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

DISPOSITION OF CERTAIN FUNDS OF THE CREEK NATION

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 3868) authorizing an advancement of certain funds standing to the credit of the Creek Nation in the Treasury of the United States to be paid to the attorney for the Creek Nation, and for other purposes, which were, on page 1, line 3, to strike out "appropriated" and insert "expended"; and to amend the title so as to read: "An act authorizing an advancement of certain funds standing to the credit of the Creek Nation in the Treasury of the United States to be paid to the attorneys for the Creek Nation, and for other purposes."

Mr. PINE. I move to concur in the amendments of the House.

The motion was agreed to.

AMENDMENT OF WORLD WAR VETERANS' ACT

Mr. REED of Pennsylvania. Mr. President, will the Senator from Alabama yield to me to submit a report of a veterans' relief bill from the Finance Committee? I do not think it will lead to more than five minutes' discussion.

Mr. HEFLIN. Is that the bill in which my colleague is interested?

Mr. REED of Pennsylvania. No; except that we are all interested in it. It is not the promotion bill.

Mr. HEFLIN. If it shall not lead to discussion, I yield to the Senator.

Mr. REED of Pennsylvania. Out of order, from the Committee on Finance, I report back, with amendments, the bill (H. R. 13039) to amend the World War veterans' act, 1924, and I submit a report (No. 1297) thereon. I ask unanimous consent for the immediate consideration of the bill. I can explain very briefly what the bill provides.

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

Mr. REED of Pennsylvania. I yield.

Mr. BRATTON. The Senator is familiar with the bill which I introduced some weeks ago and presented later as an amendment to the bill of the Senator from California [Mr. SHORTRIDGE]. The Senator from Pennsylvania objected to it at that time. Is he still of the same frame of mind, and will he object to that bill if I offer it as an amendment to the measure which he has just reported?

Mr. REED of Pennsylvania. Will the Senator refresh our recollection by telling us what that bill provides?

Mr. BRATTON. It has to do with the so-called $50 per month provision compensating ex-service men with arrested cases of tuberculosis.

Mr. REED of Pennsylvania. The committee was almost unanimously against that bill and I hope the Senator will not offer it as an amendment to this bill.

Mr. BRATTON. Of course, if the Senator would object to it, all that could be accomplished would be to defeat this measure and not pass my bill.

Mr. REED of Pennsylvania. I am afraid that is true.

Mr. BRATTON. If the Senator is still opposed to the bill and would oppose it as an amendment to this bill, I shall refrain from offering it.

Mr. REED of Pennsylvania. I shall feel it my duty to object to it.

Mr. BRATTON. Very well.

Mr. REED of Pennsylvania. Mr. President, the purposes of the bill which I have just reported are, first, to establish a uniform statute of limitations in the case of suits on veterans' insurance. At present the matter is governed by State statutes, and the limitation ranges anywhere from 3 to 20 years. This bill establishes a uniform limitation of six years.

The next section provides that the bureau shall pay for the expense incident to the appointment of guardians and conservators of the estates of insane veterans. At present it often happens that the veterans themselves are absolutely penniless, and the appointment of the necessary guardians to receive their compensation is delayed on that account until some charitable person supplies the money.

Next, the bill provides that the bureau may pay for medical examinations on reinstatement of insurance. It sometimes happens that a dispute arises between the bureau and the veteran as to whether he is or is not in good health, and the veteran protests the examination of the bureau's physicians. This provision will enable them to pick out a distinguished physician to whom the case may be referred as a sort of arbitrator, and will go far toward doing away with some of the ill feeling that results from the action of the bureau's doctors.

Another section includes the burial bill which has already been passed by the Senate. We put it in this bill as an additional section so that it may all be included in the one bill. That provides for a more dignified and more humane arrangement at the funerals of deceased veterans.

Then another section is added providing that fathers and mothers of veterans who become dependent after the veteran's death but were not dependent at the instant of his death may receive compensation from the time the dependency actually arises, and, conversely, provides that if they cease to be dependent at any time, then compensation to them shall cease. At the present time they get compensation only if they are dependent at the instant of death and once they get it, even though they may fall ino a large inheritance, the Government has to go on paying the compensation.

Then there are some technical corrections which I will not delay the Senate to explain.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Finance with amendments. The first amendment was, on page 5, after line 7, to insert:

SEC. 6. That a new section be added to Title I of the World War veterans' act, 1924, as amended (title 38, U. S. C.), to be known as section 36 and to read as follows:

"SEC. 36. Authority is hereby granted for the payment of expenses of medical examinations, and inspections when necessary, in connection with the reinstatement of insurance or the determination of the fact of permanent and total disability for insurance purposes, and the date of beginning or termination thereof. The expense of such examinations and inspections, and travel incident thereto, shall be borne by the United States and shall be paid from the appropriation for administrative expenses of the United States Veterans' Bureau.

The amendment was agreed to.

The next amendment was, on page 5, line 12, after the word "Sec.," to strike out "6" and insert "7"; in the same line, before the word "subdivisions," to insert "paragraph (f) and"; and in the same line, after the word "and," to strike out "(3)" and insert "(2)," so as to read:

SEC. 7. That section 201, paragraph (f), and subdivisions (1) and (2) of the World War veterans' act, 1924, as amended (sec. 472, title 38, U. S. C.), be hereby amended to read as follows.

The amendment was agreed to.

The next amendment was, on page 5, after line 15, to insert:

(f) If there is a dependent mother (or dependent father), $20, or both, $30. The amount payable under this subdivision shall not exceed the difference between the total amount payable to the widow and children and the sum of $75. Such compensation shall be payable, whether the dependency of the father or mother or both arises before or after the death of the person: *Provided*, That the status of dependency shall be determined as of the first day of each year, and the director is authorized to require a submission of such proof of dependency as he, in his discretion, may deem necessary: *Provided further*, That upon refusal or neglect of the claimant or claimants to supply such proof of dependency in a reasonable time, the payment of compensation shall be suspended or discontinued.

The amendment was agreed to.

The next amendment was, on page 7, line 10, after the word "authorized," to insert a colon and the following:

And provided further, That no deduction shall be made from the sum allowed because of any contribution toward the burial which shall be made by any State, county, or municipality, but the aggregate of the sum allowed plus such contribution or contributions shall not exceed the actual cost of the burial.

The amendment was agreed to.

The next amendment was, on page 7, following the amendment just agreed to, to insert:

(2) The payment of compensation to a widow shall continue until her death or remarriage.

The amendment was agreed to.

The next amendment was, to strike out lines 11 to 25, inclusive, on page 7, and lines 1 to 22, inclusive, on page 8.

The amendment was agreed to.

The next amendment was, on page 8, after line 22, to insert:

SEC. 8. That section 202, subdivision (1), paragraph (e), of the World War veterans' act, 1924, as amended (sec. 475, title 38, U. S. C.), be hereby amended to read as follows:

"(e) If he has a mother or father, either or both dependent on him for support, then, in addition to the above amounts, $10 for each parent so dependent: *Provided*, That the status of dependency shall be determined as of the first day of each year, and the director is authorized to require the submission of such proof of dependency as he, in his discretion, deems necessary: *Provided further*, That upon refusal or neglect of the claimant to supply such proof of dependency in a reasonable time, the payment of such additional compensation as herein provided shall be suspended or discontinued.

The amendment was agreed to.

The next amendment was, on page 8, line 23, to change the section number from 8 to 9.

The amendment was agreed to.

The next amendment was, on page 9, after line 8, to strike out:

SEC. 9. That section 206 of the World War veterans' act, 1924, as amended (sec. 495, title 38, U. S. C.), is hereby repealed.

SEC. 10. That section 209 of the World War veterans' act, as amended (sec. 498, title 38, U. S. C.), is hereby repealed.

The amendment was agreed to.

The next amendment was, on page 9, line 15, to change the section number from 11 to 10.

The amendment was agreed to.

The next amendment was, on page 9, line 23, to change the section number from 12 to 11.

The amendment was agreed to.

The next amendment was, on page 12, line 1, to change the section number from 13 to 12.

The amendment was agreed to.

The next amendment was, on page 12, line 14, after the word "rate," to insert "or, upon proof of good health satisfactory to the director, to a lower premium rate."

The amendment was agreed to.

The next amendment was, on page 12, line 20, after the word "election," to insert a colon and "*Provided*, That no reconversion shall be made to the five year level premium form of policy."

The amendment was agreed to.

The next amendment was, on page 16, line 1, after the word "section," to insert "as amended."

The amendment was agreed to.

The next amendment was, on page 16, line 3, to change the section number from 14 to 13.

The amendment was agreed to.

The next amendment was, on page 16, line 19, after the word "time," to insert a colon and "*Provided further*, That no person who has surrendered his United States Government life (converted) insurance for its cash surrender value shall be entitled to apply for insurance under this section to the extent of the amount of insurance so surrendered."

The amendment was agreed to.

The next amendment was, on page 16, line 20, to change the section number from 15 to 14.

The amendment was agreed to.

The next amendment was, to strike out lines 24 and 25, both inclusive, on page 16; lines 1 to 23, inclusive, on page 17; and lines 1 and 2, inclusive, on page 18, and in lieu thereof to insert:

SEC. 311. The director is hereby authorized and directed to include in the United States Government life (converted) insurance policy, provision whereby an insured who is totally disabled for a period of 12 consecutive months, shall be paid disability benefits under the contract as though he or she were permanently and totally disabled. Such payments shall be effective as of the date of beginning of total disability and shall be made monthly in accordance with the terms of the contract during the continuance of such total disability. Payments under this section shall be made independent of any other benefit provided in the contract and during the period of such payments all premiums on such insurance shall be waived. Regulations shall provide for reexaminations of beneficiaries under this section, and in the event it is found that an insured is no longer totally disabled, payment of benefits shall cease and the provisions of the United States Government life (converted) insurance policy with reference to permanent total disability shall apply: *Provided*, That the benefits of this section shall not prejudice the right of any insured who is otherwise permanently and totally disabled: *Provided further*, That the benefits of this section shall only be granted upon application made by the insured at the time of the original application for United States Government life insurance, or after such application at any time during the life of the contract, upon proof of good health satisfactory to the director. The director shall determine the amount of the monthly premium necessary to cover the benefits of this section and such monthly premium must be paid by the insured under the same terms and conditions as the regular monthly premium on his insurance contract.

The amendment was agreed to.

The next amendment was, on page 18, to add a new section to read as follows:

SEC. 15. That section 305 of the World War veterans' act, as amended, be, and it hereby is, amended by adding thereto a new proviso to read, as follows:

"*Provided further*, That compensation which is uncollectible by reason of the provisions of section 310 of the war risk insurance act, as amended, or section 210 of the World War veterans' act, as amended, shall be considered as uncollected compensation for the purposes of this section.

The amendment was agreed to.

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

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. REED of Pennsylvania. I now move that the Senate request a conference with the House of Representatives on the bill and amendments and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and Mr. REED of Pennsylvania, Mr. SMOOT, and Mr. GEORGE were appointed conferees on the part of the Senate.

FARM RELIEF

Mr. BLAINE. Mr. President, I ask unanimous consent to have printed in the RECORD a letter from William Hirth, publisher and editor of the Missouri Farmer, dated May 22, 1928.

The PRESIDENT pro tempore. Without objection, it will be so ordered.

The letter is as follows:

THE MISSOURI FARMER,
Columbia, Mo., May 22, 1928.

Senator BURTON K. WHEELER,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR: As chairman of the Corn Belt committee, which represents more than a million organized farmers, I have wanted for some time to express to you and to Senators MCKELLAR, PITTMAN, and DILL my deep appreciation of the splendid service you gentlemen have rendered to agriculture in your earnest support of the McNary-Haugen bill. You have not been mere conscripts in the farmer's cause; you have supported genuine farm relief as a matter of common justice and not as a matter of political expediency, and I cordially commend each of you to the farmers of your respective States, and this regardless of whether they are Democrats or Republicans. And if recently I have extended similar commendation to certain Republican Members of the Senate who have been equally stalwart in their support of the McNary-Haugen bill, it is because I have long since come to the conclusion that the issue of a square deal to agriculture is infinitely bigger than any political party, and I trust the time is close at hand when farmers throughout the Nation will realize this fact and when they will govern themselves accordingly.

As I write this letter the fate of the McNary-Haugen bill at the hands of the President is still unknown, and yet I feel certain that another veto is impending, and that it will be accompanied by a plea to Congress to pass some kind of a legislative gesture that is more intended to bring relief to the Republican Party than to our distressed farmers. And in case I am correct in this forecast, then I trust that Congress will overwhelmingly refuse to lend itself to such demagoguery, for this is the only term that will fittingly describe such an effort. A far more courageous and commendable course for Mr. Coolidge would be frankly to say that he made a mistake when he accepted the nomination four years ago on a platform which contained a solemn pledge to enact effective surplus-control legislation—this would at least convince the farmers of the country that he has the courage of his convictions, and that he is not willing to add to their misery by making them the victims of political buncombe.

In this connection, if Mr. Coolidge makes this eleventh hour effort to whitewash the great farm issue, I hope that the Republican Members of the House and Senate who have helped us to pass the McNary-Haugen bill through two sessions of Congress will not hesitate to stand by their guns—that they will not only refuse to become parties to the passage of a makeshift bill but that they will join with the Democrats in an effort to pass the McNary-Haugen bill over the President's head.

In the meantime, and regardless of what the few remaining days of the present session of Congress may bring forth, I want to repeat that the farm question has become bigger than any political party, and that it will demand an accounting both at Kansas City and at Houston. The time when insincerity and sidestepping will suffice is past, and, speaking for the more than 1,000,000 organized farmers who are massed behind the Corn Belt committee, I prophesy that the old party lines will look as if a cyclone had struck them when the smoke of battle lifts from the November election. It is high time for the politicians in both parties to realize that the 30,000,000 people of the farm are fighting to save their homes, and that in such a struggle the crack of the party whip will be wholly and ridiculously futile.

And this is why I so cordially commend you and Senators MCKELLAR, PITTMAN, and DILL to the farmers of your States. Apparently we are about to enter a new political era in which our farmers will be driven to form an offensive and defensive alliance against the industrial States of the East, and this necessarily means that without the slightest regard to the old party lines farmers must reward their friends and smite their enemies. And it is with profound regret that I have come to this conclusion, for I realize only too well the class and sectional bitterness which will inevitably follow in the wake of the above alignment.

But what else is there left for our farmers to do? At this hour our manufacturers are enjoying the highest protective duties ever enacted by Congress, our bankers are massed behind the great Federal reserve act, our railroads behind the Esch-Cummins Act, while organized labor enjoys the protection of the Adamson law and a rigid immigration act—and thus with all these mighty forces which fix the farmers' costs of production enjoying these special privileges at the hands of the Government, the position of our farmers has become intolerable—and if specific evidence on this score is needed it can be found in the fact that since the close of the World War our farm debt has risen from four and a half billion dollars to more than $12,000,000,000, while the shrinkage in all farm values amounts to the almost inconceivable sum of more than $20,000,000,000.

Therefore, if in the face of these tragic conditions the industrial East continues to refuse to equalize the farmers' burdens, I repeat that we will have no choice except to form an offensive and defensive alliance which will ruthlessly trample party lines underfoot—and if in the days to come the industrial East shall bewail such a condition of affairs, the blood will be upon its own hands, for God knows our farmers have been patient and long-suffering. They are fighting to save their homes—and homes are the most precious and priceless possession of mankind.

Sincerely yours,

WILLIAM HIRTH,
Chairman of the Corn Belt Committee.

MATTIE HOLCOMB

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 1434) for the relief of Mattie Halcomb, which were, on page 1, line 3, to strike out the word "Halcomb" where it appears the first time and insert "Holcomb"; on page 1, line 3, to strike out the word "Halcomb" where it appears the second time and insert "Holcomb, alias Henry Grady Halcomb"; on page 1, line 6, to strike out the word "Halcomb" and insert "Holcomb"; on page 1, line 7, to strike out the word "Halcomb" and insert "Holcomb"; on page 1, line 9, to strike out the word "actually"; on page 1, line 10, to strike out the word "Halcomb" and insert "Holcomb"; on page 1, line 12, to strike out the word "Halcomb" and insert "Holcomb"; and to amend the title so as to read "An act for the relief of Mattie Holcomb."

Mr. HARRIS. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

AMENDMENT OF WORLD WAR VETERANS' ACT

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 2372) to amend section 201, subdivision (1) of the World War veterans' act, 1924, as amended.

Mr. REED of Pennsylvania. The principal amendment agreed to by the House is exactly the same in its language as the House bill which we have just passed and sent to conference. Therefore, I ask that this message may be referred to the Committee on Finance.

The PRESIDENT pro tempore. Without objection, that reference will be made.

ESTATE OF HALLER NUTT, DECEASED

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 1769) for the relief of the legal representatives of the estate of Haller Nutt, deceased.

Mr. STEPHENS. I move that the Senate disagree to the amendments of the House, ask for a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. NYE, Mr. MCMASTER, and Mr. STEPHENS conferees on the part of the Senate.

AMENDMENT OF CODE OF LAWS

Mr. WALSH of Montana. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Montana?

Mr. HEFLIN. I do. I understand that it will take only a moment.

Mr. WALSH of Montana. I ask unanimous consent to submit a favorable report from the Committee on the Judiciary. This, Mr. President, is a report recommending the passage of the House bill to amend and supplement the Code of the Laws of the United States of America, and embraces, as a supplement to the Code of Laws, the acts of the Sixty-ninth Congress. The compilation is made by the same people who made the compilation known as the Code of Laws, and it is recommended by the Committee on the Judiciary.

Mr. LA FOLLETTE. Mr. President, will the Senator from Alabama yield to permit me to ask a question of the Senator from Montana?

Mr. HEFLIN. I yield.

Mr. LA FOLLETTE. I should like to ask the Senator from Montana whether or not any change is made so far as the original provisions with regard to the code being merely evidentiary are concerned?

Mr. WALSH of Montana. No; and it is expressly provided that this supplement is merely prima facie evidence of what the law is.

Mr. LA FOLLETTE. I have no objection.

Mr. WALSH of Montana. I ask unanimous consent for the present consideration of the bill.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 13622) to amend and supplement the Code of the Laws of the United States.

Mr. KING. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Utah? The Senator from Alabama has the floor.

Mr. HEFLIN. I yield.

Mr. KING. I wanted to ask the Senator from Montana whether in the examination of the code it was found that there were many errors in what might be denominated substantive law, rather than mere clerical ones?

Mr. WALSH of Montana. So far as I have had occasion to resort to it, I have found no errors.

Mr. NORRIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Nebraska?

Mr. HEFLIN. I do.

Mr. NORRIS. I think I ought to say, in answer to the inquiry made by the Senator from Utah, that there were a good many errors, found. This bill corrects quite a number. I have forgotten the number, but I was surprised to find the number myself. I think something over a thousand mistakes were found.

Mr. KING. Is this bill intended to correct those errors in substantive law?

Mr. NORRIS. This will correct them. That is my understanding.

Mr. WALSH of Montana. No; that can hardly be the case, because this is merely a supplement.

Mr. NORRIS. I understand that it is just a supplement. It brings the code down to date, but I think it corrects those errors also.

Mr. WALSH of Montana. That may be.

Mr. SMOOT. May I ask the Senator if there is any amendment to the House bill?

Mr. WALSH of Montana. No.

Mr. SMOOT. It is just exactly as the House passed it, with no change?

Mr. WALSH of Montana. Exactly.

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

COMPILATION OF INTERNAL REVENUE LAWS

Mr. FLETCHER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Florida?

Mr. HEFLIN. I do.

Mr. FLETCHER. If the Senator will consent, I should like very much to have passed a resolution to direct the legislative counsel to prepare a compilation of the internal revenue laws. I think it will take only a minute.

Mr. HEFLIN. I have no objection to that.

The PRESIDENT pro tempore. The resolution will be read for the information of the Senate.

Mr. FLETCHER. I ask for its present consideration.

The Chief Clerk read the resolution (S. Res. 254), as follows:

Resolved, That the Legislative Counsel is hereby directed to prepare a compilation of the following internal revenue laws: (1) Income tax act, 1928, (2) estate tax and miscellaneous tax provisions of the revenue act of 1926, as amended, and (3) income-tax provisions of such act, as amended. There shall be included in the compilation the administrative provisions applicable to such internal revenue laws as found in the revenue acts of 1926 and 1928, together with necessary explanatory notes, parallel reference tables, index, and appropriate devices to distinguish the parts. Upon completion the manuscript shall be transmitted to the Secretary of the Senate, and when received is authorized to be printed as a Senate document. In addition to the usual number of copies, there shall be printed extra copies up to the limitation of cost provided by existing law.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution? The Chair hears none.

The resolution was considered and agreed to.

GOV. ALFRED E. SMITH

Mr. HEFLIN. Mr. President, I trust that I may be permitted to proceed now. I like to accommodate Senators, but we are going to be in session for some time yet, and there is no use in hurrying, because there are a good many of us here who are not going to vote to adjourn until the public business has been attended to.

I regret that an effort is being made by some leaders to adjourn this session of Congress speedily. I trust the temporary leadership of this side has not agreed to it. I know of a good many important measures that ought to be attended to before this Senate adjourns.

I want to suggest in the outset that the rules of this body must be changed with reference to a resolution to finally adjourn Congress. I think the rules provide, and properly, that a motion to adjourn Congress from day to day shall not be debatable; but when there are pending matters of importance, and a motion is made to abandon the work, to close the doors of Congress, adjourn and go home, and leave the public business unattended to, the rules ought to provide for a certain amount of debate; and I am ready to join other Senators in a move to bring about that change in the rules.

But for the opposition that we have given this morning to the consideration of this concurrent resolution, sprung upon the Senate without notice as to when it would be presented, and the suggestion of immediate consideration—but for the position taken by the Senator from California [Mr. JOHNSON], the Senator from Nevada [Mr. ODDIE], the Senator from Minnesota [Mr. SHIPSTEAD], the Senator from Wisconsin [Mr. LA FOLLETTE], and myself, the concurrent resolution probably would have been agreed to by now, or at least would have been voted on to-day. It can not now come up for consideration until Monday. We have this day in which to say something about it and discuss other matters of importance, and I trust that Senators who are really interested in the public business and the public good will be ready to vote against this concurrent reso-

lution when it comes up, unless some arrangement can be made by which we can finish the work that should be finished.

Senators, we are here to attend to the business of the people. The political conventions do not meet for some time yet. You will have ample time to get to them. Why should we hurry and adjourn a long session of the Congress in May? What good reason can be given for that course? Is it to stop debate in this body? Is it to prevent material from going into the RECORD that ought to go into it? I think that is one of the motives. Is it to shut off the debate that has been going on here against certain candidates for President? I think that is a part of the motive.

The people ought to have an opportunity to have this RECORD open to them, so that facts can be printed in the RECORD and reach out into the interior of the country, because a great many of these facts never get there through the newspapers. They ought to be placed somewhere so the people can see them. The turning over of this great Nation to one man for four years, Mr. President, is a serious matter and one of great consequence to the American people, not only for the present, but the rulership for four years of one of the candidates seeking to be the chief magistrate of this Nation may affect the destiny of free America. It may change her course for the future, and foist upon the people something that they will be sorry indeed ever came upon them.

I am going to bring to your attention briefly this morning some of the tactics of the Roman government employed in the United States.

I brought to the attention of the Senate and the country the other day an article written by a Jesuit priest, Charles J. Mullaley, in which he tells Catholics how to control the press—how to prevent the publication in the press of things that Catholics do not want published. Let me sum up, by quoting his language, just what his plan is, and how he is telling them it can be done.

He recites that they hushed up a daily paper here in Washington that demanded an investigation of a Catholic Good Shepherd home, where a girl sought to escape and was killed. When a newspaper asked that the matter be inquired into, when the newspaper wanted to know what it was in that institution that made a young girl seek to flee from it at the risk of losing her life, the Catholics attacked that paper, so this priest tells us, right here in Washington in 1913; and they went to the news stand and notified the newsman that the Catholics would not buy any more of the papers.

They went to the management of the paper and told them they were going to quit buying this paper. They did not stop there. They had the priests in their pulpits appeal to their congregations not to buy that paper. But they did not stop there. They went to the merchants, Protestants, Jews, and Catholics and told them that if they advertised in that paper, whose sole sin was asking for an inquiry into the death of a Catholic girl who leaped out of the Good Shepherd's home to her death, they would boycott them. That is in this paper, written in a Catholic periodical, and written by a Jesuit priest, one of the chief muckamucks of Roman Catholicism in the United States. He belongs to the class that tries to manipulate your minds and tries to make you think along Catholic lines. That Jesuit bunch think they can control your mind and in that way control you absolutely. Now, I come to the conclusion of the article:

> History often repeats itself. Since some secular magazines and newspapers now believe, as this Washington editor believed in 1913, that it pays to insult the Catholic Church and to foster religious controversy, why can not Catholics in every city let the history of this counterattack repeat itself for them? They can follow the example of the Catholics in Washington in 1913.

Senators, I am bringing this to your attention because it presents a deep-laid plan and purpose of the Roman Catholic government to control or destroy a free press in the United States. I want you to reflect, when you are thinking about it, whether it will help matters to put one of them at the head of the Government when he is raised up and fed on just such doctrine as this Roman Catholic suggestion:

> Some one may object that it is difficult to conduct a truth society; they fancy that such an organization is not easily established and that meetings are held only with difficulty. The Washington Truth Society may be taken as a model, for it is exceedingly simple. In the beginning, the mistake was made of trying to have a large membership group, with regular meetings. The 1912 and 1913 meetings were dispensed with. The Washington Truth Society consisted of one active priest in charge, two zealous laymen, and a Catholic lawyer or two, ready to give legal advice free of charge.
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Continuing, the priest's article said:

> The lessons learned in Washington in 1913 may briefly be summed up as follows:
>
> 1. Do not attack a magazine or newspaper through its editorial departments, but act through its business office.
>
> 2. When a magazine or newspaper is attacking your religion write to the business manager and inform him that you will not buy the offending periodical again, and mean it.
>
> 3. Call the attention of your friends to the insult and request them to call the attention of their friends. They, too, should write and pledge themselves not to buy any offending paper, and mean it.

Think of that, Senators, not only calling on their own flock but reaching out and appealing to friends to write to a Protestant paper or a Jewish paper and tell them that if they do not cease to print things which Catholics do not want printed that they, because Catholics want them to, will quit taking their paper.

> 4. Call the attention of the merchants with whom you deal to the insults and tell them that as long as they advertise in any offending paper you will not buy their goods, and mean it.

My God! What are we coming to in great and beloved free America? Roman Catholic groups in the United States are laying down a schedule and a program by which the Roman Catholics are to be governed in a fight to suppress the free press, in a fight to destroy the free press of the United States, going to the store of a merchant who is dependent upon his business to support his wife and children, in a free country, where he is supposed to be free to have the religion that he chooses, to think what he wants to think, to be at liberty to do as he wants to do regarding religious affairs. He is called upon by this un-American, this Roman, periodical, and told that if he does not cease advertising his goods to everybody who he would like to have buy his goods the Catholics will quit dealing with him. That is another club used to beat down and destroy the free press, and destroy the newspaper man's property who dares to publish the truth.

> 5. Call the attention of your [Roman Catholic] pastor to the insult, and suggest that he have his people pledge themselves never to buy any magazine or newspaper that insults the faith, and never to deal with merchants who advertise in such periodicals—and mean it.

Mr. President, is this still free America? I would condemn such action in any group of people, whether they are Protestants, Jews, or Catholics. I denounce this shameful conduct as un-American, and yet they are boasting about it and using it for intimidating purposes; they have mailed this thing to Members of Congress, and sent me at least a dozen and a half or perhaps two dozen copies, to see that I got it, and some of them were sent to me by Catholics in Buffalo, N. Y., as I said the other day.

> 6. Tell your news dealer that as long as you see the magazine or newspaper on his stand, an open insult to you, you will not buy from him, and mean it.

Senators, think of that un-American newsman, with his papers and periodicals of various kinds to sell to the public, trying to have the papers that the people would want to buy, is called upon by the organized forces of the Roman Catholic government in the United States and told that if he sells papers that they do not wish him to sell Roman Catholics will not buy any of his papers and will try to keep others from doing so. Would you think such a thing as that would or could happen in the United States? It did happen right here at the Capital of the Nation to the shame of every one of them who indulged in it, but they are boasting about it, and recommending it as a plan to be followed by Roman Catholics all over the United States.

As I have said before, the time to treat a cancer is in its incipient stage. The time to take preventive measures against a disease is before it gets hold of you. I am calling on my country to wake up and use preventive measures now and keep Governor Smith out of the White House. Senators, if the Roman Catholics will do these bold and dangerous things now, with only 19,000,000 Catholics out of 125,000,000 Americans, what will they do under Roman Catholic rule in the United States when they can throw the doors of immigration open and smuggle others in on the side and flood this country in four years' time with 20,000,000 more Roman Catholics? Some Senators seem to be asleep on this question, but they are not by themselves; a great many Americans are asleep. But they will get awake after a while, and I am trying to awaken them to things that are alarming and dangerous to our free institutions.

> 7. Call the attention of your local Catholic paper to the insult, but suggest to the editors not to give free publicity by naming the offender—

That would arouse the Protestants, you see, and cause them to get interested and to want to know the truth.

rather to sound the slogan, "We will never buy a paper or magazine that insults our faith. We mean it!"

That is part of the program recommended to the Roman Catholics of the country.

This plan is based on the simple fact that nobody, Catholics included, has to buy a magazine or newspaper if he does not want to.

Listen to this astounding and miserable appeal:

If Catholics follow the example of the Catholics in Washington in 1913 we shall soon decisively answer the question which the editors of some secular periodicals are now asking themselves, Does it pay to insult Catholics?

Oh, Mr. President, I burn with indignation at the suggestion of such a villainous program as the one laid out in that article. What has become of the spirit that was in our forefathers when they were willing to die for religious freedom? Where is that element of patriotism and heroism that lived in them when they demanded with their life's blood a free press in the United States?

Where is the love of civil liberty that inspired them to do and die in the Revolution for free institutions? They are assaulted in this article—every one of them. The Roman Catholics would prevent the American merchant from exercising his right as an American citizen to advertise in the paper that reaches the public, which he hopes to induce to come in and buy his goods. They declare it to be their plan and purpose to prevent a news stand from selling a newspaper that other people in the community want. They use coercive and intimidating tactics on him to do not what is fair and right but what the Catholics want him to do. They call on every Catholic preacher in the pulpit to say to his Catholic flock, when nobody else is there, to go out and wage war against a newspaper that has dared to ask why a certain girl, a Catholic girl, lost her life in an institution right here in Washington City. Senators, if that Washington newspaper had not manifested some interest in that sad happening here at the capital it would have been a strange paper indeed. If a girl can lose her life seeking to get away from an institution, right here in our midst, and the people are not concerned about it, we are no more than the beasts of the field. It was quite natural and a noble thing in this newspaper man to inquire about the girl's death.

As I said the other day, why did not the Good Shepherds' Home say, "Sure; you are at liberty to come in and investigate. We regret the death of this girl. There is nothing wrong about it so far as we are concerned. Come here and investigate for yourselves. Come out and take testimony." Instead of that, they closed the door, and turned like an enraged lion on the editor who dared to ask to have inquiry made into the death of a Washington girl. That thing happened right here in Washington in 1913, and now, when Governor Smith, a Roman Catholic, is running for President, in 1928, they put out the story of their successful effort to intimidate a Protestant newspaper in Washington, as part of their campaign literature in favor of Governor Smith.

It gives us a foretaste of what we may expect if Governor Smith should be nominated by the Democratic Party, and elected President—which God forbid.

ROMAN CATHOLICS IN CANADA

Now, Mr. President, I want to show something of the activities in Canada. They are not confined to the United States. Premier Herriot, of France, said not long ago they are forming political parties in every country on the globe, and they are. He said, "The Pope has just congratulated the Catholics for forming a Catholic party in France," and he said further, "We refuse to take orders from the Vatican." Here is what is going on in Canada. They have about 40 per cent of the population of Canada. This is from a periodical published recently in Canada called "The Chalice." Listen to this, Senators:

Let us examine for ourselves the kind of "religious freedom" the [Catholic] church is working to reestablish in Mexico and to make paramount in the United States and in Canada. In this task we will not quote from any "enemy of holy church" but from the published pronouncements of Pope Pius IX. The source of our information is from a booklet published in Washington, D. C., entitled "Roman Catholicism and the Presidency," published by the Fellowship Forum in 1927.

Syllabus of Pius IX:

"The state has not the right to leave every man free to profess and embrace whatever religion he shall deem true.

"It has not the right to enact that the ecclesiastical power shall require the permission of the civil power in order to exercise its authority.

"It has not the right of establishing a national church separate from the Pope.

"It has not the right to entire direction of public schools.

"It has not the right to assist subjects who wish to abandon monasteries or convents."

There is the question. I do not know who may have suggested a plan of escape to this poor girl who went down to her death imprisoned in that Catholic institution here in Washington. Somebody may have suggested it. But here it is forbidden that anybody shall give any suggestion or assistance to get anyone out once she has been placed there.

I continue reading:

In the same syllabus the rights and powers of the church are affirmed as follows:

"She has the right to require the State not to leave every man free to profess his own religion.

"She has the right to exercise her power without the permission or consent of the States.

"She has the right to prevent the foundation of any national church not subject to the authority of the Roman Pontiff.

"She has the right to deprive the civil authority of the entire government of public schools.

"She has the right to require that the Catholic religion shall be the only religion of the State, to the exclusion of all others.

"She has the right to prevent the State from granting the public exercise of their own worship to persons immigrating into it.

"She has the right of requiring the State not to permit free expression of opinion."

That is the kind of religious "freedom" Bishop Fallon accuses the Government of Mexico of having destroyed; it is the kind of "freedom" he and thousands of his persuasion are working day and night to make supreme in Canada.

Here, Senators, is the gist of the whole proposition and the milk in the coconut:

Disarming Protestantism. In the hurricane of hysterical denial that will follow the publication of this article it will be well for every Protestant in Canada to ask for and demand that Catholics explain certain facts; they can not be denied, therefore do not accept abuse and denial in place of explanation.

I know something about that. That is all they have to say in opposition to what I say—abuse, denial, and slander.

It will be necessary for them to explain satisfactorily each and all of the undermentioned portions of this dastardly plot for world dominion before they can deny the existence of that plot as a whole.

1. Why do Catholics persistently deny to Protestant citizens of Canada the right to freedom in the matter of religious belief and plot incessantly for the political power to enforce their views?

2. Why do Catholics oppose by every means in their power nonsectarian public schools?

3. Why do Catholics support and perpetuate an organized movement to dismiss Protestant employees and replace them by Catholics wherever possible?

We have that right here in the Government of the United States. We have that right here in Washington. I know of an instance in the Consular Service where the man who does the promoting has promoted Catholics time and again and held down more competent men who were Protestants.

4. Why has the pursuance of this policy in Vancouver, British Columbia, by the recently appointed Roman Catholic manager of one of the largest and oldest commercial enterprises in Canada, been carried to such lengths as to call forth a public protest against this unjustifiable discrimination against Protestants?

5. Why have Catholics managed to secure such conditions in the immigration policies of Canada as favor an increasing deluge of Roman Catholic emigrants from Belgium and other European countries, together with a plentiful besprinkling of priests with every shipload?

6. Why have Catholic interests in Britain succeeded in placing Lord Lovat, head of one of the oldest Catholic families in Britain, in a position to influence British emigration to Canada?

7. Why are Roman Catholics securing a steadily increasing number of key positions in administrative and civic bodies, and what connection have these maneuvers with the measures taken for insuring an increasing proportion of Roman Catholic immigrants?

8. Why are Roman Catholics conducting and subsidizing secret propaganda among the land and naval forces of this country at Esquimalt?

9. Why are Catholics securing most of the commanding positions, and a majority in the ranks, of a certain famous police patrol?

10. Why are Catholic interests plotting to disband the Provincial Police of Saskatchewan and to replace them by the R. C. M. P., and is not this part of a deliberate plot to disarm the unsuspecting and Protestant western Provinces?

11. Why do Catholics in Canada pursue these sinister policies so as to synchronize with the great struggle for supremacy which will culminate in the United States this very year?

12. What reasons can Catholics give for the treasonable and lying accusations of the caluminator Fallon other than those I have advanced? What other reasons will explain its apparently unnecessary vehemence, and the powerful political backing it immediately received? What other reason explains the treasonable Catholic attempt to rupture our friendly relations with Mexico?

Mr. President, that is the note that comes sounding over to us from Canada. That is the section that is contributing money to the Al Smith campaign fund. I called the attention of the Senate the other day to a letter I had received from a citizen up there saying that the Catholics of Canada were contributing to Smith's presidential campaign fund. I gave the name of one, Frank O'Connor, of Toronto, who had contributed $1,000.

So, this movement to make Al Smith President is not confined to the United States; it is a world-wide Catholic movement. They expect to rule the world some day. General Nobile, a Roman Catholic, who was christened by the Pope in his College of Cardinals and sent out on a special mission to the North Pole, to drop the Pope's Roman cross on the top of the world, sent a wireless back to the Pope of Rome that he had fulfilled his sacred mission and had gone up and dropped the Roman Catholic cross on top of the world. Well, maybe he has.

Senators, let me ask you a question. Suppose the Protestants or the Jews had started out on a proposition to plant their emblem on top of the world? What would have happened? We would never have heard such a row in the annals of our country as that which would have been made by the Roman Catholics. They would have said, "What right has any denomination to go up on such a mission as that, to drop down their landmark or particular church emblem, and to say in the future that they were the first ever to plant evidence that they expected to claim ownership some day?"

We often find politicians who are afraid of Roman Catholics politically. Are we going to be afraid of them to the extent that we will put them in charge of the great household of America? Are we going to slink away and refrain from telling the truth because it might hurt us personally, politically, or some other way?

Mr. President, there are times in the lives of men in places of responsibility when they must stand up and fight, and particularly when they are chosen to hold a "line" to prevent the enemy from coming through, like Leonidas at Thermopylæ or Horatius at the bridge. If he who is chosen and trusted to hold the line yields and surrenders, all is lost. Somebody must, I repeat, stand up here and "hold the line."

In keeping with this intimidative spirit that the Roman government employs, I have received and called to your attention a number of times threatening letters. Here is one from Long Island, New York City, received yesterday from a fellow who calls himself "An ex-cowboy." I do not know what he did out on the plains, but evidently he was of such a character that the cowboys would not permit him to remain out there with them on the plains. Then he went to a place where he would feel perfectly at home—to Tammany in New York City. And there he starts his criminal work and writes me a letter in which he says that in two weeks' time he is going to murder me; that he is a sure shot; that he never misses a shot and never broke his word. He is saying that he intends to murder me. Here is his letter. I would read it, but some of the language is too indecent.

I do not know, Mr. President, what may come to me, but if I have to die before my allotted time I could die in no better cause than trying to preserve religious freedom and civic liberty, freedom of political action, a free press, free speech, and the right of peaceful assembly—free government in America. I have been chosen as one of the Nation's guardians to protect and preserve them, and by the help of God I intend to do all in my power to preserve them. If we do not do as they suggest, they commence thinking of some force to use, of some way to punish us. If an editor has a daughter growing up and coming into beautiful womanhood, at about the age of the girl who lost her life here in Washington in the incident to which I have referred, his heart is touched about the tragic death of somebody's girl about the age of his girl and he wants the truth given to the public about how the girl was snatched out of life instead of being permitted to live out her time. But the editor who asks for the truth and only the truth about the matter is pounced upon by this Roman group, hounded like a thief, his business injured, and they boast in their article that they cut his subscription 40 per cent in three weeks, and that finally his business manager came crawling on his knees and told the Roman Catholics at the Capital that hereafter he would never publish anything that they, the Catholics, did not want him to publish.

Free speech murdered at the altar place of the tyranny, oppression, intolerance, and bigotry of the Roman Catholic government in the United States, and still we will hear some people who call themselves Democrats saying, "It is all right, go ahead and support Governor Smith." I am going to repeat what I said before. The Senator of this body who goes to the Houston convention and who at any time during that convention so far forgets himself, his home State, and free institutions in America as to tie himself to this Roman Catholic government and program and votes for Governor Smith will never be reelected to a seat in this Chamber. The people will not send him back; and he ought not to be sent back.

The issues of national life and death are involved in this campaign; the life of this American Nation is at stake. I have given Senators a sample of what the Roman Catholics do, not only what they do on impulse but 15 years after they have assaulted American institutions, how they pick it up and put it in their periodicals and hold it up to their people as a program that they should follow in order to push forward Roman Catholic government in the United States and to kill off the agencies of American institutions.

Free press! I told the Senate the other day what happened to Heywood Broun, a brilliant newspaper man. He has been punished by the New York World; he lost his job at the instance of the Roman Catholics because he raised the question in New York City that under Catholic rule in city and State there was not an editor in New York City who would dare criticize or tell the truth about the Roman Catholics. He lost his job, and out he goes. That is another evidence of their intimidative and coercive, destructive power—again the free press is muzzled, choked to death. Here is a man of the press up in New York who knows of this evil as nobody else around him does; he cries out against it in New York; he says they have not an editor there who will assail Smith; and the New York World, when the Catholics demanded it, put him out of its employment for telling the truth. I told Senators about the young man White on the Herald-Tribune, a Republican paper in New York. He wrote a letter to the Senator from North Dakota [Mr. NYE] and gave him some facts about Governor Smith and Sinclair; he told the truth. Al Smith did appoint Sinclair; he put him on the Racing Commission of New York State, where there is corruption and graft galore. Sinclair was put on the racing commission, where he could obtain all kinds of graft, and while he was stealing from the Government of the United States he was also, no doubt, robbing the race-horse men in New York.

When Mr. White gave the Senator from North Dakota his name, the Roman Catholic brigade of New York City marched upon the Herald-Tribune. They said, "We demand his head on a charger"; and the newspaper that had employed this boy for 17 years, he being one of the most faithful that ever worked for the newspaper, sent his head upon a charger, displayed it to the Romanists who sought his head, and they marched away happy. That was one more milepost on the road of destruction for the free press of the United States.

I have shown Senators the Roman program to destroy a free press throughout the United States. They are asking you to close your eyes and shut your ears and to march humbly in the procession of Alfred E. Smith, the annointed of the Pope, for President of the United States. I pointed out to Senators that without authority, in violation of law, they printed the Roman Catholic cross upon our paper money. I have a specimen in my pocket that I exhibited to Senators the other day. They printed the Roman Catholic rosary under it. What right had they to do that? They had no right to do it, and they had no right to drop the Roman cross on the North Pole.

What else? We found they were flying the Roman flag above the American flag on our battleships. Who protested against my resolution to take it down and to permit it again to fly above the Stars and Stripes? Who is fighting the passage of my resolution that no flag shall fly above our flag. Nobody but the Roman Catholics and the weak-kneed, feeble-minded Protestants that they control.

I have received letters from the head of the Flag Code Commission of America, Gridley Adams, an upstanding fine American. He has written me a letter indorsing my resolution. He says 113 patriotic societies all over the country have indorsed my position. They do not want any flag to fly above the American flag. He sent me a picture of the flag as they want it flown with Old Glory first and uppermost and the pennant below it.

Now, when the Catholics conduct their worship on the ship they pull our flag down about 2 feet; it has got to be lowered to the majesty and power of the Roman Catholic cross that then flies above it. They have become so bold that recently the Washington Post printed a picture of it on the battleship *Cincinnati*, and said beneath the picture, "It is the only flag that floats above Old Glory." Well, it is coming down from above Old Glory. All of this is done in anticipation of Alfred E. Smith, the annointed, being President of the United States.

They do not stop there. They put their Roman Catholic colors in the President's room here in the Capitol. The long green curtains that fitted in with the other colors so tastefully and beautifully have been taken out and the cloth top of the President's desk, the green blending with the other colors admirably, has been removed and they have put in the cardinal's colors, and those flaming red colors are very inharmonious with the other things in the President's room here at the Capitol.

I am unable on inquiry to find out who suggested that the colors be changed, but I think I know the Jesuit in the city who suggested it; he used to be connected with a Democratic administration. I understand that he had a hand in it, and I am going to offer a resolution to take out the cardinal's colors and restore the American colors.

Strange, Mr. President, that all these Roman Catholic doings are coming upon us right on the eve of a presidential election. The cardinal's colors are put in the President's room at the Capitol and flaunted in the face of Congress. Roman Catholics are boasting that Al Smith will be nominated. He will not be. He will be whipped to a frazzle in North Carolina to-day. How did the Catholic colors come to be placed in the President's room? Who put this Roman cross on the American one dollar bill? We do not know. Who worked that rosary beneath the Roman cross that everybody can see—the string of pearls? We do not know, but it is there. Who ordered the Roman flag put above the Stars and Stripes? We do not know, they say. It has been the custom, it is said, for a long time; but I will tell you who issued the order. It was Truman Newberry, I think.

The Roman Catholics obtained it through him. The custom has not been in vogue for a hundred years; it is a recent thing; not over 25 years, if that; and I think it is more recent than that. I will let you know soon. I am getting statements about it that are conflicting, but the last one I got was that Newberry issued the order in 1908. But the Roman Catholic leaders never boasted of it before and they never got bold enough to make pictures of it and send them over the country until Al Smith became their candidate for President. Now, however, they are making pictures of it, and they are putting beneath it the words, "The only flag that flies above the Stars and Stripes."

Mr. President, have they a secret allegiance to the government of Rome that is above their allegiance to this Government? In view of the things that I have brought to your attention, I fear that they have. Then, Governor Smith, I want to ask you this question: In Rhode Island quite a number of Catholics—American citizens—had turned over money they had contributed to the Catholic bishops and Catholic priests for a certain purpose. The money was not used for that purpose, and these American citizens said, "Give us an accounting. What did you do with the money that you induced us to contribute?" They refused to account for it; they told these American citizens it was none of their business. These American citizens went off and got a lawyer; they took the case into an American court. Being American citizens they had a right to do that; that was the place to go; but what did the Roman bishop and priests do, Governor Smith?

They took the names of these American citizens to Rome, and although they were not there, the Roman government tried them in a Catholic Church court, in a College of Cardinals, with the Pope, and condemned these American citizens, repudiated them, and excommunicated them. In that last sentence they declared that they were going to send their souls to hell. For what? For demanding of another American citizen to know what he did with money that he had gotten from them under false pretenses. The case is still pending in Rhode Island, Governor Smith. The American processes of justice have not yet been permitted to finish trying the case of these American citizens have not yet heard the decision of their own country's court for it has not yet been rendered, but the Roman Church court went ahead and acted over in Rome. And what else did they do in that decree? There was a man of the Catholic faith who ran a newspaper in Rhode Island, who editorially commended the other Catholics for the course they were pursuing. The Pope entered a decree that that man's property should be condemned and that he should not run his American newspaper another day here in the United States. All this right here in the United States of America. My God, how shocking and shameful this incident!

The Pope of Rome, by a decree in another government, destroys the property of an American citizen living and doing business here in the State of Rhode Island. He confiscates the property of an American citizen by a decision that he renders in Rome, a foreign potentate, the head of the Roman Catholic government of the world, reaching into free America and destroying this man's property right here under the flag in the United States. Governor Smith, do you approve that? If you do not approve it, why have you not condemned it? Tell the Senate and the country what you think of that outrageous assault upon and that insult to the Government of the United States.

Senators, if an invading army from Italy had come to Rhode Island and seized this man and these other citizens and treated them as the Pope and the cardinals of Rome did, we would have unfurled the American flag and gone to war with them. If they had come and seized this man's property in Rhode Island and confiscated it here in the United States, we would have gone to war with Italy in order to maintain the rights of American citizens and the sovereignty of our Government; but here we sit, some of us in apparent indifference, with this kind of thing going on, with all these incidents, telling us in advance what we may look for on a much larger scale under a Roman Catholic administration. Governor Smith, how do you stand on these questions? Tell us, will you not?

That is not all, Mr. President. They are striking at the liberty of the citizen, the freedom of the press, religious freedom, and so forth; but Governor Smith himself is guilty of violating the first amendment to the Constitution of the United States.

I was booked to speak in White Plains, N. Y., in the State armory last June. I had spoken in the State armories in Illinois and Iowa; but when I was on my way to White Plains, N. Y., I was told by one of the citizens of that city that the superintendent of the State armory had told them that he had already granted permission for me to speak and for the people to have the hall, but that he had just gotten word that he would lose his job if he permitted Senator HEFLIN to discuss the Mexico war program of the Knights of Columbus, and tell about his efforts in the Senate to keep our country out of war with Mexico on behalf of the Catholic Church. They withdrew the use of the armory in Governor Smith's jurisdiction—he the governor of that State, and this man his appointee. He was threatened with the loss of his job if he permitted me, a United States Senator, to tell the people of that locality in New York State the truth about the Roman Catholic program for war with Mexico.

What else, Governor Smith?

Last year, about this time, Protestants, some of whom were Masons and members of the Ku-Klux Klan, applied in New York City for a permit to march in a parade to the graves of our Nation's dead. They obtained that permit. They marched unmasked. They were peaceable. The grand jury said they were. They had bothered nobody. But what happened to them, Governor Smith, in your city, the chief city of the State of which you are governor? Your Roman Catholic policemen on horseback charged upon these marching men and women. They beat them over the head with clubs, and drove them out, and denied them the right to walk with other American citizens to the graves of their loved ones, and to drop a flower on the last resting place of the Nation's dead. Your policemen, Governor Smith, clubbed those good men and women in your city, where your chief political leader, Mayor Walker, presides; and what came of it? The grand jury investigated the occurrence. It refused to indict the Klansmen. It exonerated them of wrongdoing. It suggested that something ought to be done to those who attacked them and violated the law.

What did you do, Governor? Those men and women who were clubbed and beaten unmercifully by clubs in the hands of Roman Catholic policemen came to you, Governor Smith, under the right of petition, and asked you to make an investigation yourself of the grievance they had, of the outrage done, of the insult offered these American citizens. What did you do, Governor Smith? You declined to have an investigation. You said it was none of your business; but you stopped long enough to tell them how you hated the Ku-Klux Klan. And what did the New York World say about your conduct? They said they had tried to make the public believe that you were a broad, liberal-minded man, and they had hoped that you would take some action, instead of having the impression go out that you would withhold justice from any group of people in your midst. That is the substance of their statement. That is an indict-

ment against you by the New York World, which is now supporting you.

So you are against the right of peaceful assembly and free speech, as shown in your conduct at White Plains, N. Y. You are opposed to the right of peaceful assembly and the marching of American patriots on Memorial Day whose sole purpose is to honor the dead who died in the service of their country. You permitted these people to be insulted and assaulted. When they came to you, the highest officer in the State, because they could not get justice in the city where your right-hand henchman ruled, Mayor Walker, you slapped them in the face and turned them away. They have gone back home, sad and despondent, in this land of the free and home of the brave.

What else did you do, Governor Smith?

When you were a delegate to the constitutional convention of your State you offered an amendment to a provision of the Constitution which says that the taxpayers' money never can be appropriated to any sectarian school. What did you do at the instance of Cardinal Hayes and Priest Duffy? You introduced an amendment to the Constitution repealing that section of the Constitution which would permit you, in New York City and State, to appropriate public funds to the support of Roman Catholic parochial schools. I challenge any Senator or any newspaper man or you, Governer Smith, to deny these astounding facts!

During your legislative career, a bill was introduced by another man by the name of Smith—I think his initials were E. A. and yours are A. E., but you are in the same boat; both of you are Catholics—he introduced a bill in the legislature of New York to repeal another provision of law. Listen to this:

We have provisions in the various States—in fact, it is the law in nearly every country on the earth—that nobody can impersonate the lowly Nazarene, the Christ of God, in a play. This man introduced a bill in the legislature of New York to repeal that statute so that in New York City a Roman Catholic priest could impersonate Jesus Christ in a play in order to raise money for a Catholic Church in the city of New York; and the Protestants defeated that measure.

The Bible says, "By their fruits ye shall know them." I reiterate, Governor Smith, that the New York World places you as an ardent advocate of "social equality." In the Senate of the United States, on this, the 26th day of May, as a Senator from a sovereign State of the American Union, I ask you, Governor Smith, are you in favor of social equality? You have declined to answer that so far. Are you in favor of it? It has been shown that Roman Catholic whites and negroes are now worshiping together in the same Catholic Church. You are a Roman Catholic, Governor Smith, do you indorse that? If you do, you are for social equality; you are attacking the great principle of white supremacy. You are doing that which is dangerous to both races. It will not work.

Governor Smith, are you in favor of that practice? Do you believe in it? Answer me. You have declined to do it heretofore. You have many days between now and the convention at Houston.

I call upon you, in the name of the white men and women of America, to answer that question; and in the name of the good negroes who want this problem solved, and solved to the best interest of both races, I ask you if you indorse this effort to get the negro votes and in order to swell the number of Roman Catholics in the United States?

Governor Smith, what did you do when the antilynching bill, just a little while ago, was up in Congress? That was a bill leveled at the South in the main. There is where the great race question is. It was a bill that sought to appeal to the negro vote in the North; a bill that put a premium on the crime of rape; that encouraged attacks and assaults on white women. It contained a provision that if a negro who attacked a white woman was killed, the white people of the county had to pay to his family $10,000, which was the insurance policy that was being provided in the event he succeeded in committing that crime. Governor Smith, when that bill was up in the House, when the Southern Democats were begging for aid, they asked your Tammany Democrats to help them. What did they do? They turned their backs on them. They did not give them a single vote. Do you indorse that, Governor Smith? That is the record of the Tammany Democrats of New York; and you and Olvany, Cardinal Hayes, and Priest Duffy control Tammany Hall absolutely. You could have had them vote with the Southern Democrats, but you refused to do it.

Governor Smith, why would you not permit those Tammany Democrats to come and help the southern Democrats throw the arm of protection around the white women in the rural districts of the South, away from the police protection of the cities? Why did you not show some interest in our women and in the homes of our people in the South? Why did you withhold aid from us, Governor Smith?

All this, Governor Smith, brands you as a champion, an advocate of social equality and race amalgamation.

Governor Smith, I ask you again, Are you in favor of race amalgamation?

Governor Smith, what is your plan for the solution of the race question? Tell me, if you have a plan. I should like to know just what Governor Smith's plan is.

Now, Mr. President, I am going to bring to your attention a matter that will open your eyes. I have told you about the picture of the flag. Here it is.

Now, as to the parochial schools: I have shown you that Governor Smith offered an amendment to the constitution of the State of New York to repeal the provision which says that money can not be appropriated out of the tax funds to sectarian schools. Governor Smith offered an amendment to change that so that money could be appropriated out of the public funds to parochial schools, Roman Catholic schools, in New York.

I told you the other day what the truth was about that. We believe in separation of church and state. They believe in the union of church and state; and in spite of the fundamental fact that we do believe in the separation of church and state, which is a cardinal principle of the American people, yet they teach union of church and state in their parochial schools all over the country now. Listen:

May the state separate itself from the church?

Roman Catholic answer:

No; because it may not withdraw from the supreme rule of Christ.

Who is going to determine what the rule of Christ is—a Roman Catholic priest, or the various other denominations, who have as much right to have their view as he has? They do not dispute his right to claim anything, but they dispute his right to enforce his claim, and to disturb them in the legitimate performance of their duty.

What name is given to the doctrine that the state has neither the right nor the duty to be united to the church, to protect it?

That doctrine is called "liberalism." It is founded principally on the fact that modern society is founded on liberty of conscience and of worship, liberty of speech, and of press.

Why is liberalism to be condemned?

Because it denies all subordination of the state to the church.

They are teaching that now in the parochial schools of the United States; and then, when a Senator gets up here and talks about the dangers of Roman Catholicism, they say he is intolerant, that he is a bigot. I challenge them to answer my arguments. Let them bring Governor Smith out; and if he has intelligence enough to stand up before the Nation that he is seeking to rule, let him answer these charges, made in the open Senate, and proof submitted out of Roman Catholic evidence. I demand that he answer them.

Let us see how they operate. Doctor McDaniel, of Richmond, the president of the great Southern Baptist Convention in 1926, has told us that 61 per cent of the employees of the State Department, the department which has to do with all of our foreign relations, with our diplomatic work with all countries, including the Catholic countries, that while there are 19,000,000 Catholics in the country out of 125,000,000 population, 61 per cent of the employees in control of America's foreign business right here at the Capital of the United States are Roman Catholics. Doctor McDaniel said Mussolini and the Pope had made up—and they have.

I am going to repeat to you, they had it framed up to kill King Victor Emmanuel the day that bomb went off in Milan, and then it came out in great headlines that an attempt had been made to kill Mussolini and the King. They intended to kill the King, and Mussolini was going to declare himself King, and then they would have had a mess sure enough. But listen to what an Italian Presbyterian preacher now in the United States, Doctor Fama, of New York City, said:

When Mussolini came into power, laws were passed providing that the crucifix be hung in every school, that the Roman Catholic faith be taught to every pupil; that priests be paid by the State.

Then talk about Protestants' bigotry! Alfred Smith was walking in their footsteps when he provided by a constitutional amendment that the general public be taxed to support parochial schools in New York City. Ah, Mr. President, they can not escape from these astounding facts, these irrefutable facts, which I am laying before the Senate and the country.

Now I come to one of Governor Smith's chief supporters in New York, a man by the name of Belford, a priest. He is the man who suggested that they hire thugs to murder me when I was leading the debate against their program of war with

Mexico, and he is one of the strong supporters of "Alfred the annointed." He was taking Senator WALSH to task for running when Alfred ran. "Two Catholics," he said; "how ridiculous." He jumped on WALSH for being a candidate. He said:

Mr. Gilbert, the Washington correspondent of the Evening Post has this to say: "I do not know how Governor Smith feels toward Senator WALSH, but I do know that not even TOM HEFLIN would fare worse at the hands of Governor Smith's followers as a candidate this year than would Senator WALSH.

Well, you know how well they thought about WALSH, because they do love me; they have great admiration for me. [Laughter.] They would rather see me quartered than anything else, because, Mr. President and Senators, I am laying facts before this body that will be discussed when I am dead. There will come a time when somebody will stand here and say, "The Senator from Alabama was giving you the facts, warning you against the danger that is now upon you."

Then, at least, those who get on the firing line in the battle will know the facts, have something to go by, facts that stand undisputed in this RECORD, and can not be refuted anywhere.

About five or six weeks ago they sent a committee down here to challenge me to have a joint debate with a Roman Catholic in New York City. I guess they thought that such a suggestion would have terrors for me. They arranged the hall and everything was ready. Ex-Senator O'Gorman or Judge Talley, of the Supreme Court, was to speak with me, but they kept postponing it, and said they were not ready yet, they could not get a definite answer from either one of them. I said, "I want to know immediately." They came back and said that Senator O'Gorman had declined, and Judge Talley had declined, and said, "Who else?" I said, "Anybody." They said, "How about Doctor Ryan, the professor of the Catholic University?" He is the one who wrote the book The State and Church. I said, "I would rather have him than any of them. I would like to debate with him." So they saw Doctor Ryan, the priest, the high priest in the university of Catholicism in America, and he declined. They backed out completely. They shut it all up. You never saw a line about it in the press. But if I had declined you would have seen it across the headlines, "HEFLIN refuses to go outside the Senate and meet a Catholic in public debate." But when I put it up to them, one by one, three of them declined; three strikes and out. [Laughter.] They shut up like a clam, and you never heard of it until I told you about it to-day, something that happened six weeks or two months ago.

This priest takes a dig at the Senate, this man who is Alfred Smith's high muckamuck in New York. He says that there are a lot of convicts in New York State with greater ability than a number of Senators here, and he flings off on the Senate in terrific fashion:

There was a time when membership in the Senate of the United States carried with it the greatest honor. But in our day the word Senator is far from honorable. While most of those who hold that high office are men of ability and character, there are enough of dunces and actual or potential crooks to make the name suspicious if not ridiculous. In fact, it would be possible to select from the convicts in Sing Sing at least a dozen men less unfit to represent the people and make their laws than an equal number of the nuisances who sit in the Chamber of the United States Senate.

That is this man who is attacking the American system. He wants a Roman Senate. He is opposed to having an American for President, and he is supporting a Roman for President of the United States. He assailed Senator WALSH for daring to offer when "Alfred the anointed" was running, and because I have criticized Smith, and have laid before the country facts that he can never surmount, that are helping to prevent Smith's nomination at Houston, he sought to have me murdered physically; he is now insulting me again, and insulting the American Senate, and assailing one of his own flock, Senator WALSH, because he dared to do as he had a right to do—run for President of the United States.

Now, Senators, here is the most damning document against their attack on the public-school system that ever came to your notice. It is from Dubuque, Iowa, where they quartered the public-school system. Here is the little book that tells the tale, and this is in the introduction:

So many conflicting reports and rumors have been circulated about the public-school situation in Dubuque that it seems advisable to publish the facts. * * *

The Roman Catholic Church is, however, not merely a religious institution, but a political institution as well. It is highly organized and very efficient as a political power. The public school and Roman Catholic political ambitions are irreconcilable. They can not both endure.

Who is saying that? People who see their system assaulted and almost destroyed right here in an American city.

The Roman Catholic Church must either maneuver until it gains control of the public school and then proceed to destroy it, or give up its ambitions for political power. It is, therefore, not a matter of accident that where the Catholic Church secures control of public affairs the public school is the first institution to suffer at her hands. To the public school Roman Catholic domination in public affairs actually spells destruction.

The real issue of the public-school election held in Dubuque in March, 1925, was clear-cut. It was the question, Shall the patrons of the public schools continue to have a voice in the management of the schools, or shall they be controlled by those who openly oppose the public schools and who freely and publicly condemn them? * * *

It was hoped that the Roman Catholics would nominate some one for the place vacated by the Roman Catholic member and make it possible for the whole community to support a nonpartisan ticket, but the Roman Catholics replied by nominating men of their own kind for all of the vacancies on the board. A third Protestant candidate was then nominated and the battle was on.

I want Senators and the country to get this:

The Protestant candidates conducted an open campaign. They addressed open meetings. They published their platform in both of the daily papers. The platform promise:

(1) The administration of the schools for the best interests of the pupils attending them; (2) a sane, sound business administration which would eliminate all unnecessary expense for taxpayers; (3) no discrimination—a square deal for all, regardless of sex, creed, or political affiliation.

The meetings of the Roman Catholics were all held in properties belonging to or under the immediate supervision of their church. So far as could be discovered, their candidates addressed no open meeting.

Listen to that, Senators. That is in line with the attack upon the press here in Washington—secretive, vindictive, coercive movements and purposes, and here they are conducting a campaign amongst the people of Dubuque.

The meetings of the Roman Catholics were all held in properties belonging to or under the immediate supervision of their church. So far as could be discovered, their candidates addressed no open meetings.

Think of that, in this free country, where in a community there is at stake the very bulwark of the Nation, the little red schoolhouse on the hill, the place that offers equal opportunity to every boy and girl, rich or poor. Here they fight for its existence in Dubuque, the people who believe in the public-school system fighting to preserve it, and here is a movement on the part of those who seek to destroy it, speaking behind closed doors, in Catholic halls, no Protestant or Jew allowed to enter, nobody but Catholics speaking to Catholics, to attack the public-school system of America.

I continue reading:

They published no platform in either of the local daily papers, but affidavits sworn to by men who managed to get into some of their meetings disclosed their intent and purpose to be wholly sectarian, to express it mildly. Priests urged their people to vote the straight Catholic ticket.

Senators, these disclosures come just preceding a presidential campaign. Is it not enough to arouse our people? The Bible said, "My people perish for lack of knowledge." I think that if the American people knew these things generally it would arouse them, and as an American I am trying to arouse them. I want these facts to go into the RECORD. I am going to do everything I can to show why Governor Smith ought not to be foisted upon the Democracy. I see death for my party if he is the nominee. I see a new party organized within 30 days if he is the nominee. Something has got to be done to rescue the great Democratic Party from the claws and jaws of Tammany. The decent Democrats of the United States do not want to submit to such a leadership, surrounded by graft and slander and corruption and Roman preferment above American supremacy under the flag. They are not going to do it.

Priests urged their people to vote the straight Catholic ticket.

There you are!

The whole ecclesiastical machine down to the last humble Sister of Charity was organized and put to work on this election and the Roman Catholics won the election, securing all three places.

Approximately 21,000 votes were cast in this election. When consideration is given to the facts, first, that only 40,000 people call Dubuque their home, and, second, that this vote was approximately 4,000 more—

Here is where they padded and stole the election—

this vote was approximately 4,000 more than was ever cast at a presidential election, it caused many people to feel that there was a force active in this campaign which was stronger than any mere desire to elect good candidates.

Over 1,700 absent or sick ballots were cast. In view of the fact that it requires two calls by a notary public upon a sick person to complete his or her ballot and that there were only five days in which to do this work, it seems almost incredible that all of these ballots were in strict conformity with the law. The minority, or Protestant, members of the board sought an investigation of these absent or sick ballots, but their request was denied by the Catholic majority members of the board.

O Mr. President, can you not get a glimpse into the future, when elections will be held with the Catholics fighting on one side for Roman control and Americans on the other side for American control, where the Americans charge they steal an election and the Catholics will not permit them to contest? There it is. There you are. They are striking at the very foundations of liberty and free institutions in America.

There were so many rumors in circulation about illegal voting and registration that the minority (Protestant) members of the board asked to have an investigation made of the poll books and registration certificates. The majority faction (Roman Catholics) refused to allow an investigation.

Many people living in Dubuque have their own opinions as to why the Roman Catholics refused all requests for investigations of this election. It is our business to submit the facts; you may draw your own conclusions.

It is a fact that one alien Roman Catholic priest did vote. He has since applied for citizenship papers. Another Catholic priest voted illegally by means of a sick voter's ballot. One of the judges of the district court, a Roman Catholic, brought in two absent voter's ballots, in spite of the fact that the law specifically states that they must be delivered in person by the voter or through the mail.

The Roman Catholic government on one side battling with the American Government on the other!

These two cases are a matter of record on the minutes of the board of education as an affidavit was prepared and sworn to by one of the Protestant members who saw these illegal acts committed. The board of education has never taken any action in the matter. The secretary, a Roman Catholic, who allowed these things to happen and who admitted his offense, was soon afterwards reelected and is still the secretary of the board.

Why didn't the Protestants start prosecution? Both of the judges of the district court, before whom such cases would come for trial, are Roman Catholics. One of them was guilty of one of the irregularities; the other one had been active in the election campaign, being one of the main speakers at Catholic meetings.

Mr. President and Senators, what do you think of that? Here is a place where this bunch had grown in population and power until they got charge of the courts, they have charge of the public-school system, and they carried out their plan to manipulate it and count out the Protestant voters and steal the election, and yet we are asked why they do not go into court? They tell the questioners that these judges were active in the election, both of them Roman Catholics, and what is the use?

One of them was guilty of one of the irregularities. The other one had been active in the election campaign, being one of the main speakers at Catholic meetings.

O Mr. President, there is enough in this thing to astound the Nation if the truth could reach them.

The preelection boast of one of the priests to the effect that they were going to run the public schools of Dubuque began to take on the significance of prophesy.

I read further:

The superintendent is divested of all authority. He is no longer the executive officer of the board, as the law expressly provides that he shall be. He may no longer recommend teachers for election. The committee on education does this, and all its members are Roman Catholics.

Now, listen to this:

Why this sudden shift in the administration? Had the superintendent shown any signs of incompetency? Were the patrons of the schools dissatisfied with him or with his way of administering school affairs? Had he failed to cooperate with the committees of the board? No; none of these things. Not even a member of the Roman Catholic majority on the board ever made any such charge. The reader will have to draw on his imagination for any adequate excuse for this arbitrary act unless he can find, as others have done, the real reason and the acts of the inexperienced lay members of the committee who attempted to do the work which experience has demonstrated can be done properly only by those who have had special training for it.

The reaction of the friends of the public schools toward the above actions of the board of education, or rather the majority thereof, for the minority Protestant members objected strenuously, was very decided. Eleven parent-teachers' associations, the ministerial association, the students of the junior high schools, the students of the senior high schools, the public-school league, all passed resolutions condemning the board's interference with the school system and asked that the motion changing the rules be rescinded. In one mass meeting over 2,000 people passed resolutions demanding fairness. Leading citizens pleaded with the board for justice. All these protests made no impression whatever on the board. Resolutions representing 95 per cent of the people whose children are in the public schools were presented in writing to the board on May 11, 1925. These and all other resolutions on the subject were utterly ignored by being "Received and filed," destined never again to see the light of day. At a later date the board elected a new superintendent. Shortly after his election this man resigned. He had looked into the rules which the board had just recently adopted and said, "No self-respecting superintendent would work under such conditions."

Senators, if this is not an astounding piece of information coming to the country about what they will do when they have a chance, I do not know what it could be called. Bishop Cannon was right. Doctor McDonald was right. Jefferson, Grant, Garfield, Lincoln, and Tom Watson were right. All they need is an opportunity and the power, and they will strip the American community of its rights and liberties.

I read further:

In the meantime the superintendent was approached by so-called neutral parties who offered to have him reinstated and paid $2,500 in cash in case he would not force the issue and would agree to hand in his resignation on or before a certain date.

They were caught! They were involved, about to be exposed, and they were trying to buy off this man that they had outraged and turned out.

These parties assured the superintendent that they were working with the approval of the Roman Catholic majority of the board. The superintendent refused to sell out. He was then approached by a comparative stranger, who also offered reinstatement with a secret agreement as to the date of resignation, which was to be paid for with a job in another city in a different line of work at a salary of $5,000 a year.

The Protestant who would stand up and fight, not only kicked out and outraged and discharged, but they are seeking to bribe him and get him away somewhere where he would be removed from the community, and therefore his opposition and his intelligence and his courage would be gotten rid of. He was to be given a $5,000 job in another city.

The superintendent informed this gentleman that he was not for sale, and employed attorneys who started action at the courthouse. The case was called and the superintendent reported ready for trial, but the majority faction of the board informed the presiding officer that they had not had a chance to prepare their case and asked for a postponement, which was granted.

Why, certainly. He knew the judge who would make speeches to Catholic audiences along in support of a rotten, thieving program like that, would not grant anybody the right to go on with his trial when the other crowd insisted upon postponement.

Before the case was called the second time, the board rescinded its action and reinstated the superintendent. Why this sudden change of front? There is only one answer and we can give it without being charged with offering personal opinion. The Catholic majority knew that their charge against the superintendent was not true and that if they appeared in court they would be required to answer the counter charges filed by the superintendent. This would mean full publicity for many acts of the ecclesiastical-political machine which they preferred to have anywhere but on a court record.

O Mr. President, they did not want to go into that point. That is why they assailed everyone who opposed them in the open. They love darkness rather than light, because their deeds are evil.

Now listen to the closing statement:

QUESTIONS AND ANSWERS

Q. To what extent are the Catholics represented on the school board?—A. The president of the board is a Roman Catholic, the vice president of the board is a Roman Catholic, the secretary of the board is a Roman Catholic, the assistant secretary of the board is a Roman

Catholic, the treasurer elect of the board is a Roman Catholic, five of the seven directors are Roman Catholics.

Q. Do the Roman Catholic directors—

Listen to this pertinent question—

Q. Do the Roman Catholic directors send their children to the public schools?—A. They do not—all of their children attending school attend the Roman Catholic parochial schools.

Think of that! Mr. President, a Roman Catholic has no more business being the head of a public-school system than a Protestant has being the head of a parochial-school system. Here are the members of a Catholic school board sending their children to the school of another government—the Roman government—and they are coming over into America and taking charge of and directing the schools of the American Government and saying what shall be done with Protestant children and Jewish children who attend the public schools of our country.

Q. Is it true that some of the Dubuque schools are almost parochial schools?—A. The principal and all of the teachers in one school are Catholics; 14 of the 15 teachers in another school are Catholics.

These are public schools in America.

No Dubuque school has all Protestant teachers; no Dubuque school has 14 out of 15 teachers Protestant.

Q. Is it true that the superintendent of schools showed a preference for Protestants in the selection and retention of teachers?—A. The Catholics charged him with sectarianism and attempted to discharge him on that ground, but when he offered to meet the charges and show the facts from their own records they refused to meet him in court and rescinded their action before the trial was called. They paid the court cost out of the public-school fund.

Q. Is it true that the patrons of the public schools in Dubuque object to any Catholic serving on the board?—A. No. The patrons of the public schools feel that the Roman Catholics should be represented on the board. They demand, however, that the majority of the board shall consist of members who are vitally interested in conducting them efficiently.

Q. Is it true that the Roman Catholics have recognized the moral right of friends of the public schools to a majority of the board?—A. Yes. Leading Roman Catholic business men have repeatedly made such a statement, but on election day they will vote unanimously for a Catholic ticket. One Roman Catholic board member has said "that no Catholic should be on the board unless he is either a public-school graduate or has children in the public schools."

Q. How long will this condition of dissatisfaction continue in Dubuque?—A. Until the Roman Catholics realize that they dare not raise a hand to harm the bulwark of democracy—the public-school system of America.

* * * * * * *

The Roman roller was in action and it does not stop for such trivial things as the best interests of the children or the wishes of their parents! This seemingly incredible selection is not the result of sheer stupidity; it is a part of the program to lower the efficiency of the public schools to the same level as the Catholic parochial schools, so the priests and nuns will not have to continually threaten excommunication and purgatory to prevent ambitious Catholic boys and girls from transferring to the public-school system.

O Mr. President, it is enough to make the blood of every real American boil. Here is a "Word of warning" on the last page:

Some of our readers residing in other communities will probably say, "They may be able to do such things in Dubuque, but they could not do them in my home town. Every member of our board of education is a Protestant." Our advice to such people is not to be too sure of your happy state. Unfortunately, there are some Protestants who lack courage at critical times and who try to hide their cowardice under the cloak of "tolerance." Then, too, there are others who hide behind "business reasons" when put to the acid test. Finally, there are a few who are actually blind and deaf on this subject and, consequently, never read about it or listen to any experience or evidence bearing on it. As a result, the Roman Catholics, by one means or another, actually control many offices and boards which they can not secure openly by election or appointment. Since our trouble began in Dubuque we have secured positive evidence of their control of three other school boards in Iowa, and in neither case have they a single member on the board. They are extremely well organized and very efficient as politicians. Do not take any chances.

Mr. President, with a few words more, I am through for this time. I have shown here from time to time the evils that are before us, the dangers that threaten the institutions in America wherever this group has gotten control. They are displaying animosity in various States toward their Protestant and Jewish neighbors. They are manifesting a desire to control, to rule or ruin. New York City furnishes a fine example. The Catholics control it absolutely and completely. What is the result of their rule? Graft, scandal, and corruption. I have a paper on my desk that charges that they graft half of the contracts of the city of New York; that half of the contracts for clearing snow from the streets of New York is graft that Tammany steals, and as to all other contracts and work it is a 50-50 proposition. And here we have Tammany, with all the crime and villainy that attaches to it, putting forth a candidate for President of the United States, a man who himself as a delegate to the constitutional convention of New York sought to share the public-school fund of that State with the parochial schools, who sought to change the organic law of his own State so as to provide that Catholic schools should share in the funds raised from the taxpayers of the State.

Mr. President, I have told the Senate once before about Doctor Scharf, a Roman Catholic and Knight of Columbus, who approached former Senator Bard, of California, in the nighttime in this city with a letter from Bishop Montgomery, a Roman Catholic, with a cold-blooded proposition to barter the Roman Catholic vote in 20 congressional districts to the Republican leaders if they would appropriate $200,000 a year for two years to the Catholic schools of the United States—$400,000. Doctor Scharf in his conversation with Senator Bard—and Bard was a grand old man, a strong, able American—laid out to him the program. He showed him that in those 20 districts the Roman Catholic vote going to the Republican ticket would elect the Republican candidate and thereby give the Catholics control of Congress. They were willing to stab the Democratic Party in the back with a dirk; they were willing to betray the party in the nighttime and deliver over to the Republicans 20 congressional districts in order to get $400,000 for the Catholic schools of the country. Senator Bard turned it down and that infamous deal was defeated; but there was the plan, there was the effort made to get into the Treasury of the United States to get money for the parochial-school system. What would Governor Smith do, with his idea of appropriating money out of the State treasury of New York to the Catholic schools of New York, if he were President of the United States? If he could, he would engineer a measure through that would open up the funds of the Nation to the support of the parochial schools of the Nation.

I have shown, Mr. President, that the Vatican has taken a hand against us in our fight to preserve the eighteenth amendment. The Vatican has denounced our prohibition law just when a wet candidate of their group in the United States is running for President. Seeking to get the Democratic nomination for him, the Vatican comes out, backs his program, and asserts through the official organ of the Vatican that the eighteenth amendment and the Volstead Act have failed and ought to be wiped out.

Mr. President, that is not all. I have shown that they have gone far enough to say that they will interfere with the jurisdiction of our courts. They laugh at our processes of adjudication of disputes where Catholics are interested. When American citizens who are Catholic in faith go into an American court to have their cause adjudicated in a case where a Catholic bishop and a Catholic priest have taken over $3,000,000 of their money and refused to give an accounting of it, when they come in and ask that the court decide what their rights are in the matter and what has been done with their money, a Catholic Church court in Rome takes jurisdiction, hurries the case, tries it, condemns the litigants, consigns their souls to hell, and confiscates their property while the American court is still hearing the case. That is what we have going on; and all this I tie around the body of Gov. Alfred Smith as the leader and embodiment of all these isms that strike at the foundation of the American Government. They would change this Government; they would overthrow it in time and establish in its place the universal rule of the Roman Catholic Church. God help the Democratic Party and the American people to prevent such a calamity.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to each of the following bills:

H. R. 1. An act to reduce and equalize taxation, provide revenue, and for other purposes; and

H. R. 12030. An act to amend Title II of an act approved February 28, 1925 (43 Stat. 1066, U. S. C., title 39), regulating postal rates, and for other purposes.

The message also announced that the House had passed the bill (S. 2319) for the relief of John W. Stockett, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H. R. 10487) to amend the World War adjusted compensation act, as amended.

The message also announced that the House adopted a concurrent resolution (H. Con. Res. 40) providing that in accordance with paragraph 3 of section 2 of the printing act approved March 1, 1907, the Committee on Education of the House be empowered to have printed, with illustrations, 10,000 copies of the hearings held before the committee during the current session on the bill (H. R. 7) to create a department of education, etc., in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

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

S. 162. An act for the relief of William M. Sherman;

S. 342. An act for the relief of George B. Booker Co.;

S. 362. An act to provide for the advancement on the retired list of the Navy of Lloyd Lafot;

S. 379. An act for the relief of William R. Boyce & Son;

S. 445. An act for the relief of the Florida East Coast Car Ferry Co.;

S. 456. An act to carry out the findings of the Court of Claims in the case of Edward I. Gallagher, of New York, administrator of the estate of Charles Gallagher, deceased;

S. 1217. An act for the relief of Albert Wood;

S. 1646. An act for the relief of James M. E. Brown;

S. 1955. An act for the relief of Lieut. Charles Thomas Wooten, United States Navy;

S. 2227. An act for the relief of F. L. Campbell;

S. 2306. An act for the relief of William E. Thackrey;

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

S. 2586. An act for the relief of the owner of the Coast Transit Division barge *No. 4;*

S. 2733. An act to amend the military record of Joseph Cunningham;

S. 3308. An act to confer jurisdiction on the Court of Claims to hear and determine the facts in the claim of John L. Alcock;

S. 3338. An act authorizing the sale of certain lands on Petit Jean Mountain near Morrilton, Ark., for use by the Young Men's Christian Association of Arkansas;

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

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

S. J. Res. 46. Joint resolution 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; and

S. J. Res. 120. Joint resolution authorizing the Secretary of War to lease to the New Orleans Association of Commerce New Orleans Quartermaster Intermediate Depot Unit No. 2.

The PRESIDING OFFICER (Mr. VANDENBERG in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 1448) for the relief of Omer D. Lewis, which was, on page 1, line 5, to strike out "$2,573.25" and insert "$1,573.21."

Mr. BRATTON. I move that the Senate concur in the House amendment.

The motion was agreed to.

HISTORICAL MUSEUM, DEFIANCE, OHIO

Mr. FESS submitted the following report:

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. 82) entitled "Joint resolution providing for the erection of a public historical museum on the site of Fort Defiance, Defiance, Ohio," 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 amendments of the House numbered 1 and 4.

Amendment numbered 2: That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with amendment as follows: Page 2, line 2, strike out the words "and the proper official of the county of Defiance, Ohio," so that the amendment will read "in selecting"; and the House agree to the same.

Amendment numbered 3: That the Senate recede from its disagreement to the amendment of the House numbered 3, and agree to same with amendment as follows: Page 2, line 11, strike out the words "and the county of Defiance, Ohio, the sum of $25,000," so that the amendment will read, "the sum of $50,000"; and the House agree to the same.

SIMEON D. FESS,
R. B. HOWELL,
KENNETH MCKELLAR,
Managers on the part of the Senate.

ROBERT LUCE,
JOHN C. ALLEN,
F. M. DAVENPORT,
RALPH GILBERT,
Managers on the part of the House.

The report was agreed to.

CALL OF THE ROLL

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

The PRESIDING OFFICER. The absence of a quorum being suggested, the clerk will call the roll.

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

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

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

PROMOTIONS IN THE ARMY

Mr. REED of Pennsylvania and other Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. REED of Pennsylvania. Mr. President, I ask unanimous consent——

Mr. GEORGE. I object, Mr. President. I want to state the reason why.

I have remained here for nearly two hours in the Senate Chamber, trying to obtain recognition; and until I can get recognition and submit a request to consider one or two matters, I am going to object.

Mr. REED of Pennsylvania. Very well, Mr. President. I move that the Senate proceed to the consideration of Order of Business 1138.

Mr. GEORGE. On that question I wish to be heard, Mr. President.

The PRESIDING OFFICER. The question is on the motion of the Senator from Pennsylvania.

Several Senators called for the yeas and nays.

Mr. GEORGE. On that question I wish to be heard.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. WATSON. May we ask what Order of Business 1138 is?

The PRESIDING OFFICER. The Secretary will state the title of the bill.

The CHIEF CLERK. A bill (H. R. 12814) to increase the efficiency of the Air Corps.

Mr. REED of Pennsylvania. It is the Army promotion bill.

Mr. GEORGE. Mr. President, I do not want to be discourteous; but I remained in the Senate Chamber when it was practically deserted. I merely wanted to get before the Senate two matters to which there can be no reasonable objection. I was called to the chair myself, and left the chair on two occasions, hoping to be able to get recognition, but was not able to get it, though I was in my seat, and though I rose, and though I addressed the Chair.

I want to be heard, and I am going to be heard at very great length unless the Senator from Pennsylvania will withhold his motion until I can present these matters.

Mr. HEFLIN. Mr. President, I understand that the Senator from Georgia has one or two bills to which there will be no objection; and I hope Senators will let him pass them.

Mr. WATSON. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Georgia yield; and if so, to whom?

Mr. GEORGE. I yield to the Senator from Indiana for a question.

Mr. WATSON. Does the Senator desire to ask for legislation or to make a statement, or what?

Mr. GEORGE. I desire to ask for legislation upon one bill, and to ask for the discharge of a committee on another bill; that is all.

Mr. JOHNSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from California?

Mr. GEORGE. I yield to the Senator from California.

Mr. JOHNSON. Mr. President, as the party perhaps most interested in this situation, let me say that I think the Senator from Georgia is entitled to consideration. First, he has a bill to which, as I understand, there is no objection whatsoever—certainly I have none to it—that will require not an instant to pass, and he ought to be entitled, because others have been entitled to the privilege, to present it; and I am very glad to do what little I can to enable the Senator from Georgia thus to present his bill that has no objection, and will lead to no debate.

I wanted to make that statement in justice to the Senator from Georgia.

I want to be heard, Mr. President, in relation to the motion to displace the pending business. That ought not to be done at this time. It is unfair to a piece of legislation that is of very grave and of very great importance to attempt at this time to displace the pending measure with something that will lead to debate or to difficulties; and I object most strenously, and I hope the Senate will sustain me in that objection.

I have stood here, sir, endeavoring to accommodate every Senator in this body with matters of legislation concerning which there was no dispute, like that to which I think the Senator from Georgia refers. I am very glad to do that in the future as I have done it in the past; but it is unfair and it is unjust, not only to me but to the legislation I represent, to carry now a motion by which the pending bill will be displaced.

Mr. WATSON and other Senators addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Georgia yield; and if so, to whom?

Mr. GEORGE. I yield to the Senator from Indiana.

Mr. WATSON. In order that everybody may be kept sweet in the Senate in these closing hours, I ask unanimous consent that the Senator from Georgia may be permitted to present the matters he has in mind.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Georgia yield, and, if so, to whom?

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

Mr. REED of Pennsylvania. I have no desire to displace the Boulder Dam bill. I have no desire to prevent the Senator from Georgia from getting action on the bill to which he refers; but when I rose and obtained recognition, and commenced to make a request for unanimous consent, the Senator stopped me without even allowing me to state my request. He forced me to make the motion to proceed to the consideration of the bill.

I do not want to interfere with the Senator getting consideration of the legislation to which he refers. I never heard of it. At the time I started to make my request, I did not know that the Senator from Georgia had any request to make. It seems to me that in courtesy to me the Senator might have allowed me to make my request before objecting. I should have been glad to defer to him.

Mr. GEORGE. Mr. President, I had remained in the Chamber when the Chamber was practically deserted, and I am not complaining of the Chair; but I had been on my feet, and the Senator from Idaho [Mr. BORAH] had been on his feet, and I stood on my feet and four times addressed the Chair when others were being recognized; and at last, thinking that the Senator from Idaho had been recognized, and I believe he thought so himself, there was a demand for a quorum by the Senator from Connecticut [Mr. BINGHAM]; and thereafter I sought to gain the ear of the Chair, and I could not.

Mr. REED of Pennsylvania. Mr. President, can we not settle it in this way——

Mr. GEORGE. I will not settle it, I want to say to the Senator, by asking unanimous consent. I will not ask anything further about it. I have the floor, and I will hold it until I get some action on the bill, favorable or unfavorable. I have not a particle of interest in it personally, but it is a measure that ought to pass. I do not think it would lead to a moment's debate.

Mr. REED of Pennsylvania. If the Senator will permit me, then, I should like to ask unanimous consent that we proceed first with the consideration of the two bills that he desires to have heard before the Senate.

Mr. GEORGE. If the Senator wants to ask it, very well. I will not ask it.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Pennsylvania?

Mr. COUZENS. I object.

The PRESIDING OFFICER. Objection is made. The Senator from Georgia has the floor.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Idaho?

Mr. GEORGE. I do.

Mr. BORAH. Evidently there is some ill-feeling about nothing. I think the Senator from Georgia ought to be permitted to put his matter before the Senate. It can be disposed of in five minutes.

Mr. GEORGE. I was going to proceed to do that, Mr. President.

The first matter that I wish to bring to the attention of the Senate is Order of Business 1327, House bill 12311. It is a bill to provide for payment of compensation to William J. Tilson, who was appointed judge of the middle district of Georgia on July 10, 1926, and who, under several appointments—two or three—served until March 17, 1928. He was not confirmed in that office, but in another office. No salary, of course, was paid him during his service, and this bill is for the purpose of paying him his salary while in actual service in Georgia.

That is the matter I wish to bring to the attention of the Senate. The bill was passed by the House, and was referred to the Judiciary Committee of the Senate; and the Judiciary Committee of the Senate has recommended it.

Mr. HARRIS and other Senators addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Georgia yield, and, if so, to whom?

Mr. GEORGE. I yield for a question.

Mr. JOHNSON. Mr. President, will the Senator yield to me to ask unanimous consent for the immediate consideration of that particular measure?

Mr. GEORGE. I yield; yes.

Mr. JOHNSON. I ask unanimous consent that we may proceed with the particular measure that has been adverted to by the Senator from Georgia.

The PRESIDING OFFICER. Is there objection?

Mr. HARRIS. Mr. President, I hope there will be no objection to passing this bill.

Senators will recall that I first opposed the nomination of Mr. Tilson for the position to which the President appointed him because he did not reside in the district in which there resided so many able lawyers. I think the President violated the spirit, if not the letter, of the Constitution, in reappointing him after the Senate declined to confirm him, but I hope there will be no objection to this appropriation to pay Judge Tilson for the time he actually served.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The Chair lays before the Senate——

Mr. BLAINE. Mr. President, there are members of the Judiciary Committee who report against this bill, and it will take some time to consider it; and I therefore object.

The PRESIDING OFFICER. Objection is made. The Senator from Georgia has the floor.

Mr. GEORGE. Mr. President, of course, I did not know that there was any adverse report on the bill. There is none filed accompanying the bill. If there is an adverse report, and if it will take some time to consider the bill, I shall not insist upon a consideration of it, because I think the Senator from California is entitled to have his bill considered in preference to any other controverted matter before the Senate.

The PRESIDING OFFICER. The question is on the motion of the Senator from Pennsylvania.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. The Senator from Idaho.

Mr. BORAH. I did not know that the motion of the Senator was pending.

Mr. HALE. Mr. President, what is the motion of the Senator from Pennsylvania?

The PRESIDING OFFICER. To take up House bill 12184.

Mr. HALE. Mr. President, as a substitute for that, I move that the Senate proceed to take up House bill 11526, the naval construction bill.

The PRESIDING OFFICER. The substitute motion is out of order.

Mr. REED of Missouri. Mr. President, I want to ask the Senator from Pennsylvania if the bill which he has proposed to take up will not probably involve considerable debate?

Mr. REED of Pennsylvania. No, Mr. President; I think it could be determined in an hour. I would be willing to agree to a limitation of debate to that effect. I had hoped we could get unanimous consent so as not to displace the Boulder Dam bill.

Mr. REED of Missouri. I have a bill here that I have been trying to have disposed of, which affects 32 States of the Union directly, and in a most important manner. I think that if there is debate, it will not exceed a very few minutes. It is necessary to have the bill acted upon at this session, or the entire river navigation problem will be seriously interfered with.

Mr. REED of Pennsylvania. Will the Senator permit a question?

Mr. REED of Missouri. Certainly.

Mr. REED of Pennsylvania. The Senator is referring to the bill relating to the Mississippi-Warrior service?

Mr. REED of Missouri. Yes.

Mr. REED of Pennsylvania. I share with the Senator a desire that that bill may be passed.

Mr. BRUCE. Mr. President——

Mr. REED of Missouri. I was going to suggest to the Senator from Pennsylvania, in view of the short debate which I think will occur, that we might dispose of the bill. I know there are two or three Senators who want to express their opinions in regard to the bill, and they are entitled to do so, but I think the debate will be a very short one.

Mr. BRATTON. May I ask the Senator what his bill is?

Mr. REED of Missouri. It is a bill for the inland-waterways proposition.

Mr. BRUCE. Mr. President, I desire to say that I for one am opposed to that bill. I am stoutly opposed to it, and I propose to assert my opposition just as effectively in every manner as I can.

The PRESIDING OFFICER. The question is on agreeing to the motion submitted by the Senator from Pennsylvania.

Mr. REED of Missouri. Mr. President, is the Senator willing to say to us that if the debate on his bill lasts more than an hour he will then withdraw it for the present?

Mr. REED of Pennsylvania. I will do better than that. I have in my pocket a cloture petition signed by more than a sufficient number of Senators. As soon as my motion prevails, if it does, I shall present the cloture petition, and then I shall be perfectly willing that the Senate shall spend from now until noon on Tuesday on other matters. All I am anxious to do is to get a vote.

Mr. BORAH and Mr. JOHNSON addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Missouri yield; and if so, to whom?

Mr. REED of Missouri. I yield to the Senator from Idaho.

Mr. BORAH. The effect of the Senate agreeing to the motion of the Senator from Pennsylvania would be to displace the unfinished business now before the Senate. Of course, if that is displaced, in all probability it will not get back to its place during the present session. I do not think it is fair, under the circumstances, to ask for a displacement of the unfinished business. It has had its place here for some time, but the Senator from California has yielded from day to day and from hour to hour to accommodate Senators, and to displace it at this time amounts almost to bad faith in regard to it. While I have no objection to the bill of the Senator from Pennsylvania, so far as I know, and do not desire to prevent its passage, I trust we are not going to take it up instead of the unfinished business, displacing a measure of very great importance.

Mr. REED of Pennsylvania. Mr. President, I agree with every word the Senator has said. I should be satisfied, if I might have unanimous consent, to present my cloture petition now, and that would allow the Boulder Dam bill to stand undisturbed.

Mr. JOHNSON. The difficulty with that is that on the adoption of a cloture petition the unfinished business is displaced, and there is nothing which can prevent it from being displaced. Therefore, on this day, at least, before we determine the question of adjournment on Tuesday next, there ought not to be any attempt, even, to displace the unfinished business.

Mr. REED of Missouri. Mr. President, I have this suggestion to make: Perhaps if the Senator from Pennsylvania would ask unanimous consent to present his bill, with the understanding that he would not press it beyond 15 minutes, he could get such an agreement.

Mr. REED of Pennsylvania. I could not finish with it in 15 minutes; I could within half an hour.

Mr. REED of Missouri. That would not displace the Boulder Dam bill?

Mr. REED of Pennsylvania. It would not displace the Boulder Dam bill.

Mr. JOHNSON. I have just inquired of one of the Senators opposed to the bill. He is going to fight it to the utmost. He gave me the name of another who is opposed to the bill. I can not consent, therefore, to any such proposition, and he would not consent, either, so far as that is concerned. It is not fair to other bills here to ask that one shall be given a preferred status over the unfinished business, when other bills are here to be considered as well.

Mr. REED of Missouri. I was simply trying to see if there was not a way——

Mr. JOHNSON. I realize that.

Mr. REED of Missouri. By which the Senator from Pennsylvania could proceed. If the Senator insists on his motion, I do not know what we can do but vote on it.

Mr. REED of Pennsylvania. Mr. President, I do not want to insist on my motion if it is possible to get my bill voted on in any other way. The Senator from California has been more than kind to me in yielding for other business. I rose to my feet to make a unanimous-consent request to consider this bill, with an hour's debate at the outside. The Senator from Georgia objected without even waiting to hear what the request was. He forced me to make the motion I have made. It is vital to the morale of the Army that the bill shall be acted on. The committee was unanimous on the bill. It will pass by an almost unanimous vote, I think.

Mr. BLACK. Mr. President, will the Senator from Missouri yield?

Mr. REED of Missouri. I yield.

Mr. BLACK. I sincerely hope that when the bill comes up it will be defeated, instead of being passed by an almost unanimous vote. I desire, myself, before the question is presented, to ask, if the bill comes up, that my bill come up with it, a bill which was reported by the committee a month or two before the Senator's bill. I have no objection to a unanimous-consent agreement, if it can be reached, whereby we shall discuss both bills at the same time.

Mr. REED of Pennsylvania. The Senator can always offer a substitute.

Mr. BLACK. I suggest that if a substitute is to be offered the Senator from Pennsylvania offer his bill as a substitute for mine, because his was brought out of the committee at least a month after mine had been placed on the calendar.

Mr. JOHNSON. Mr. President, if there is such a thing as regular order at present, I call for it.

The PRESIDING OFFICER. The Senator from Missouri has the floor.

Mr. REED of Missouri. Mr. President, of course we are indulging in what we often do, trying to arrange these matters in an amicable way. I realize, as I think all other Members of the body do, that a great deal of time has been taken up in the discussion of matters entirely foreign to the bill which is before the Senate.

Mr. OVERMAN. Mr. President, will the Senator yield to me?

Mr. REED of Missouri. Just let me finish a sentence. We are not even conducting a filibuster. I can see, if the Senator from California had his bill before the Senate and the opponents of that bill were required to occupy the time and thus to exhaust themselves, there would be something to be gained; but that is not the case. The bill is before the Senate, and I want the Senator from California to have a vote on it. But in the meantime we are listening to speeches on all sorts of subjects, and if there is anyone desiring to filibuster, he is getting a good long rest; and, of course, as we approach the end of the session the opponents of his bill will be fresh and vigorous, and ready to renew the attack.

I desire to present a statement to the Senate touching a bill in which I am greatly interested, and in which many other Senators are interested. If any way could be worked out by which the Senator from Pennsylvania could get a vote upon his measure, and get it promptly, without displacing the Boulder Dam bill, I would be willing to withhold my remarks.

Mr. REED of Pennsylvania. May I try once more to get a unanimous-consent agreement?

Mr. REED of Missouri. Yes.

Mr. REED of Pennsylvania. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 898, a bill introduced by the junior Senator from Alabama [Mr. BLACK], and that debate on it be limited to 15 minutes, and that no Senator shall speak more than once, and that at not later than 4 o'clock the bill and all amendments thereon shall be voted upon without further debate; that then the Senate shall consider Calendar 1138, which is the bill the committee has reported, with the same limitation on debate, and that a final vote thereon shall be taken at not later than

4.30 o'clock. That restricts my bill to half an hour, and the Senator's bill to an hour. Certainly that is fair.

The PRESIDING OFFICER. Is there objection?

Mr. BRUCE. Mr. President, it is very kind, indeed, of the Senator from Pennsylvania, when he is looking out for himself, also to look out for his friends, but it so happens that it is to the second bill that I object. If the Senator chooses to detach the bill in which he is primarily interested from the bill in which the Senator from Missouri is interested, I have no objection to the unanimous consent.

Mr. REED of Pennsylvania. This has nothing to do with the bill of the Senator from Missouri.

Mr. BRUCE. I want to say now, while I am on my feet, that I have not the slightest disposition to filibuster against the bill in which my friend the Senator from Missouri is interested. I simply want to state my objections to it. I have no desire to keep it from being brought up.

Mr. LA FOLLETTE. Mr. President, has the Senator from Missouri the floor; and if so, will he yield?

Mr. REED of Missouri. I yield.

Mr. LA FOLLETTE. It seems to me very evident that we might just as well have a test on the question of Boulder Dam now as at any other time. For weeks this measure has been the unfinished business before the Senate, and the Senator from California has yielded time after time to the individual requests of Senators having in charge legislation such as the tax bill, which was considered of paramount importance. Now, we have reached the closing hours of this session, and if requests similar to the one made by the Senator from Pennsylvania should be granted, then the Senator from California finds himself in a position where he can not object to similar requests made by other Senators. We ought to test out the question and find whether or not there is a majority of Senators who are in favor of a final disposition of the Boulder Dam bill.

It appears to me that the Senator from Pennsylvania, who, as he has already said, has had very generous consideration from the Senator from California, should not ask at this time to take an hour and a half for the consideration of two bills which, compared with the Boulder Dam bill, are of minor importance. If the Senator from Pennsylvania makes his request and obtains consent, then other Senators who have bills of a like character will come into the Chamber and ask to be given an hour or a half hour on other propositions, and the Boulder Dam bill will be shunted hither and yon until the adjournment is finally taken.

Mr. President, of course, I have not the primary responsibility for the proposed Boulder Dam legislation, and if the Senator from California desires to accede to the request I shall not object, but as one Member of this body who has been in this Chamber faithfully in attendance on the sessions of the Senate, I say that it is a very unjust and a very unfair request to make of the Senator from California after his generous consideration of individual Senators and of the Senate's business.

Mr. JOHNSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from California?

Mr. REED of Missouri. I yield.

Mr. JOHNSON. May I thank the Senator from Wisconsin for what he has said in this regard? I appreciate immensely the views he has expressed.

I yielded to the tax bill because the tax bill was of paramount importance on both sides of the Chamber, and when my bill was put upon the list by the steering committee I was asked if I would yield to the tax bill and to the appropriation bills. I have done that, and yielding to the tax bill left me, unfortunately, very little time, although it was asserted to me that but three days would be occupied with it, and two weeks were. I have endeavored to accommodate every individual who had a measure that would take but a moment or two during the period of the pendency of this legislation.

I decline to yield further. I object to the unanimous consent that is asked for by the Senator from Pennsylvania. Behind me sits the Senator from Maine [Mr. HALE], in charge of a bill which he thinks is of transcendent importance to this Nation. He has the right to ask of me for his bill that I yield him then an hour or two hours or three hours or four hours, as the case may be. With the Senator from Missouri [Mr. REED] rests a bill that is to him of prime importance, too. He has a similar right to make a like request of me.

I can not yield to any request of this sort, and I will not further yield to any such request, so we are at an end, so far as unanimous consent is concerned, for the consideration of measures that will occupy any time in debate at all.

Mr. OVERMAN. Will the Senator yield to me to request the printing of an editorial which commends the course of my colleague?

Mr. REED of Missouri. I yield for that purpose.

EDITORIAL COMMENDING SENATOR SIMMONS

Mr. OVERMAN. I ask unanimous consent to have printed in the RECORD a letter to my colleague [Mr. SIMMONS] from John S. Cohen, president and editor of the Atlanta (Ga.) Journal, inclosing an editorial from yesterday's evening issue of that journal. I will state that this letter and the accompanying editorial were sent from Atlanta to Washington by air mail.

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

THE ATLANTA JOURNAL,
Atlanta, Ga., May 25, 1928.

Senator F. M. SIMMONS,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR: Your speech in the Senate has profoundly stirred me. I am happy that the South has men who are still unafraid.

I take pleasure in sending you, by air mail, copy of editorial from to-day's Journal.

Sincerely yours,

JOHN S. COHEN.

[From the Atlanta Journal, Friday evening, May 25, 1925]

WILL NORTH CAROLINA DESERT HER SENATOR AND THE SOUTH?

When a Democrat who for nearly 30 years has been deservedly honored with a seat in the National Senate speaks out bravely on a question of great moment to his party and his country, all thinking people, especially those of his own State and region, will hear him with intense interest. Such a Democrat is Senator F. M. SIMMONS, of North Carolina, tried in service, wise in counsel, in battle unafraid; and such a speech he has just delivered on the presidential ambitions of Gov. Al Smith.

If any man is qualified thus to speak for public conscience and public intelligence, it is Senator SIMMONS of North Carolina, a true tribune of his people. Special interests may oppose him; hidden cliques and foreign agents whose selfish ends he scorns to serve may endeavor to undo him, even among his own people. But the rank and file of North Carolinians from the mountains to the tides will stand, we believe, steadfast and immovable for those rights, those duties, those principles, those vital traditions which their senior Senator so courageously champions. Because they are sprung from the same heroic past as are Georgians and their fellow countrymen of all the South and hold the same great political faiths, we are sure that Senator SIMMONS spoke their mind when he said: "They stand against the things that Al Smith is known to stand for."

And for just what does Governor Smith stand? If the question looks toward the realm of constructive statesmanship, no answer can be given. For in that realm he has declared no principles; indeed, he has given no intimation of his beliefs, if beliefs he has, on any of the great issues that challenge the statesmanship of America and of the world. The one thing made clear by his chief spokesmen is that he stands for a government of the wets, by the wets, and for the wets. And the one thing else of which the country is certain concerning him is that his political alliances ever have been and still are those at which the liberal thought of America looks askance. Well does Senator SIMMONS declare:

"His publicity organs now say that he must not be hamstrung with a Vice President who stands for prohibition, because it would interfere with his scheme for running a campaign on a wet issue; that he must not be hampered by the nomination of a southern Democrat as his associate. The southern Democrats are not anxious to be associates on that ticket. I know of no southern man of outstanding ability who would consent to run on that ticket. * * * I have had friends come to me and ask me to cease my opposition, or rather to refrain and be silent, because, they said, 'Smith is sure to be nominated; he is a certain winner; he is a great vote getter'—notwithstanding that, he has never carried more than four out of sixty-odd counties in New York State outside of New York City. I have answered that he would be the weakest candidate, in my judgment, we could nominate; that the Republican press would obliterate him if we nominated him; that the material exists and is in their hands and is ready to be exploded the minute he is declared the Democratic nominee. I am conscientiously of the opinion that his nomination would mean the ruin of the Democratic Party in my State, the disruption of the Democratic Party in many States of the South. In the Democratic Party throughout the country it would make a chaos from which we would not recover in 25 years. He is not supported by delegates from a single State that can be relied upon to cast Democratic electoral votes. Grateful as I am to the people of North Carolina, and shall be to the end of my life, for the honors they have showered upon me, I would rather give it all up and retire to the quiet of a little country

home than to retain it by sacrifice of my honest convictions upon public questions."

Our prediction is that if Senator SIMMONS should retire to the quiet of a country home his fellow Carolinians would beat a path to his doorway and draw him back into public service. He has done much for the Old North State, much for the South, much for America; but of all that he has done, nothing will be remembered with more gratitude and admiration than his valiant stand for the honor of his Commonwealth and the good of Democracy in this most perilous hour for the great party whose one sure stronghold is the South.

SPEECH COMMENDING SENATOR HEFLIN

Mr. BLACK. With the consent of the Senator from Missouri, I ask unanimous consent to have printed in the RECORD a speech by Dr. F. J. Thomas, president of the Illinois Civic League, delivered in Chicago, commending my colleague [Mr. HEFLIN].

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

SENATOR HEFLIN, OF ALABAMA, SIGNALLY HONORED AT CLOSE OF HIS MASTERFUL ADDRESS ON THE MEXICAN SITUATION IN THE COLISEUM AT CHICAGO—DIAMOND SHRINE PIN PRESENTED TO ALABAMA SENATOR IN THE PRESENCE OF 10,000 PEOPLE

Dr. F. J. Thomas, president of the Illinois Civic League, made the presentation speech, which is as follows:

"Senator HEFLIN, the Civic League of the State of Illinois, desirous of expressing to you in some practical and lasting manner its great esteem for you and your brave and patriotic devotion to our Nation and its interests, has asked me to present to you this beautiful diamond-studded emblem of that great and noble order of which you are a member—the Mystic Shrine. We know you are a Shriner, not only by the jewel you wear but because of the jewel you are. We recognize in you one who has traveled from the South to the East in more ways than one. When Mexico shall enjoy the blessings of civil and religious liberty your name will appear bright on the pages of history as the one who came to her rescue in a critical hour and led in her deliverance from those who sought to drag her back into the bondage that had enslaved her for 400 years.

"As Lafayette, Von Steuben, and others helped us in our struggle for liberty, so you have reached out your hand to poor, oppressed Mexico and helped her at one of the most critical times in her history. I believe that you have done more than any other American to stay the hand of the despoiler and to keep our country out of war.

"Like all great men you are humble and dignified, but not a dignitary. You have shown yourself to be not only a man of sterling qualities but one whose fine and unfailing devotion to duty and one whose pure and exalted Americanism have endeared you to patriotic citizens everywhere. Like David of old, alone and unafraid, armed with a righteous cause, and determined to conquer in his battle with Goliath, the Philistine giant, you, single handed and alone, under tremendous difficulties, and against an insidious, powerful, and dangerous foe, hurled in the Senate of the United States in such a bold and effective way the mighty thunderbolts of truth that the patriotic Protestant men and women of the country hailed you as the Senate's leading champion of the principles of civil and religious liberty and as the ablest and most eloquent mouthpiece of real Protestantism in America.

"Those of us who have read the CONGRESSIONAL RECORD, the Fellowship Forum, the Protestant, the New Age, and some other papers know of the timely and effective service that you rendered in keeping us out of war with Mexico. We know that it required both moral and physical courage of the highest kind to stand up as you did in that critical hour in the Senate and expose the schemes of the people who were trying to get us in war with Mexico. And, Senator HEFLIN, you can never know to what extent you stirred and pleased Protestant Americans everywhere when in the Senate you said: 'This Government must not, it can not be called upon to go into foreign countries to fight the religious battles of any group of our people. The status of the Roman Catholic Church in Mexico is of no concern to the Government of the United States. The Army of the United States is not going to be used, if I can help it, to restore the Pope of Rome to power in Mexico.'

"Then all patriotic Americans said in their hearts, 'God bless Senator HEFLIN in the great work that he is doing and in the great fight that he is making in behalf of peace and real Americanism.' In every great crisis God has raised up a man to point the way and lead His people out of the difficulties and dangers that beset them.

"We believe that He has appointed and clothed you with the foresight, courage, and ability to come forth at this particular time to lead in preserving those fundamental principles of civil and religious liberty that we prize so highly in this American Government.

"It is in recognition and in grateful appreciation of your splendid and outstanding qualities as an American statesmen and your great service to your country at the last session of the Senate on the Mexican question that we ask you to accept and wear with our compliments and high esteem this splendid diamond Shrine pin.

"Here in this great pivotal city of our Nation we present to you this emblem of Masonry. May the diamond star be but the scintillating glory of your own marvelous achievements and typify the purity of your own illustrious life; and as the diamond shineth more boldly in the dark, so may your star shine forth as the rays of meridian glory in the midnights of political intrigue and corruption. The crescent of this emblem means that as the glory of the full moon is concealed in the crescent ready to be revealed in the fullness of time, may wise Providence preserve and guide you until your present crescent of service to our Nation shall become full orbed and its more luminous glory enable you in the fullest sense to point out and drive to cover in our national life those who love darkness rather than light because their deeds are evil. May the sword of this emblem be a prophetic symbol of greater authority wielded by you in behalf of a grateful nation. King Saul was content to run down his father's asses, but God gave him the kingdom. Your own success in exposing and running down political asses at the Capitol has now become a notable fact in our national history. Your reward is sure, though Providence may postpone for a time, for be reminded, 'The mills of the gods do grind.'

"We admire you because you are a Christian, American gentleman who has served notice to all concerned that the United States must ever be kept faithful to its trust and free from entangling alliances with foreign countries.

"Allow me to say for one so tall, so broad and big and strong as you, it is fitting, in view of your services, that we raise our monuments to you while you are yet with us in the flesh, for you will not need any other but your own great record of faithful service to your country to perpetuate your memory when you are dead. Therefore, in behalf of the Civic League of Illinois, of which I am president, I present to you, my dear Senator HEFLIN, of Alabama, master Mason, Shriner, orator, patriot, and statesman, this token of our great esteem. Wear it through the remainder of your useful and honorable life, and when you shall have crossed the desert sands of the plains bordering on the mecca of glory may a kind heavenly Father say to you, 'Well done, thou good and faithful servant, thou hast been faithful in a few things, I will make thee ruler over many.'"

INLAND WATERWAY DEVELOPMENT

Mr. REED of Missouri. Mr. President, I appreciate the situation. If I felt that what I am going to say now would militate against the passage of the Boulder Dam bill I would stand aside. If the opponents of the Boulder Dam bill showed any signs of yielding or becoming exhausted I would stand aside. But I think I might just as well discuss this measure, which is of vital importance to a large part of the country, as to have other questions discussed that have no more to do with the business of the Senate than the story of the fall of Sodom and Gomorrah.

I am going to invite those who are opposed to the bill to present their views as soon as I have concluded, and we can present them in this time as well as in any other time and maybe we can arrive at a time then, when debate will be over, that we can have a vote by unanimous consent.

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

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from New York?

Mr. REED of Missouri. I yield.

Mr. COPELAND. My complaint is not because of not having an opportunity to present views on the bill. My complaint was that the committee was unwilling to permit those persons who were in opposition from my section of the world to come and present their views to a larger representation of the committee. I begged the committee that that be done in order that there could be a full understanding on the part of the committee, and also that those in opposition might feel that their views in opposition to the bill had been presented, and properly so.

Mr. REED of Missouri. That, then, is the only objection the Senator has to it?

Mr. COPELAND. So far as I am concerned personally I am in favor of the bill and always have been. But I am in opposition to immediate action in view of the attitude of constituents of mine of the port of New York, and my own feeling that they should have a chance to present their case.

Mr. REED of Missouri. The Senator has presented his protest and I take it that probably satisfies his opposition. I am glad the Senator personally is not against the bill and that the objection which he presents is all the objection he has to present.

Mr. COPELAND. I do not want to mislead the Senator into thinking that the mere formal statement I have made necessarily ends my protest against the passage of the bill under the circumstances. I do not want him to have any misapprehension of my position.

Mr. REED of Missouri. Mr. President and Members of the Senate, I very much desire to enlist your attention to a short statement touching the bill. The bill proposes to extend the

service on the Mississippi and Warrior Rivers and their tributaries.

If the bill is not passed at this session, that entire service will be seriously crippled. The conditions are, because of the disasters of the flood and the unusual demand, that unless money is appropriated at this time the service will probably be permanently crippled.

The bill was worked over for a long time by the House of Representatives and did not reach the Senate, I believe, until about the 13th of May. It was reported out on the 23d of May, and since that time every effort has been made to bring it before the Senate. In the briefest possible manner, let me state the background of the bill.

Prior to the Civil War a vast tonnage was carried upon the Mississippi River, upon the Missouri River, upon the Ohio River, and others of the great streams. At that time or shortly after that the railroad building of the country progressed to such an extent that railroad competition, sometimes fair and sometimes unfair, put the character of boats then plying upon the streams out of business. All or practically all of the traffic upon the water ceased. There then came an effort to improve the beds of the streams so that boats of reasonable size and capacity could operate. Congress entered upon that plan and has spent a great deal of money in connection therewith. Then came the question of an improved boat. Some progress was made, but not of a very great character.

Then came the late war, when there was inserted in one of the bills an appropriation to put boats upon the Mississippi and Warrior Rivers. At that time there were not sufficient railroad facilities to handle the business of the country. The boats were established, but not until after the war was over.

The conditions, in a word, were these: All business had disappeared from the rivers. Everybody had grown accustomed to using railroads, and railroads alone. The wharves had rotted away. There were no loading or unloading facilities. The establishment of this line was like the establishment of an entirely new business—it had to be built from the ground up. From the start there was not more than one-third as much money supplied as would have been supplied by any business concern having an abundance of credit and desiring to make the business a profitable and successful business. The beds of the streams had not yet been cleared out, and in some instances are not being cleared out, but provision has been made by congressional enactments and appropriations have been made to carry out those projects.

Notwithstanding all these difficulties the Mississippi Line has made money almost from the start, year before last nearly $500,000, last year approximately $500,000. This year the estimates were that it would make $700,000 of profit, but that was sadly interfered with by the terrible disaster of the flood, so that the earnings on the Mississippi Line were something near $200,000. I will give the figures accurately in a few moments.

At the same time an effort had been made to establish a service upon the Warrior River. There the chief difficulty was that the railroads refused to put in joint rates, with the result that there was a loss upon that river which approximately absorbed the profits upon the Mississippi River. For years the contention has been carried on before the Interstate Commerce Commission and at last we have reached a point where joint railroad and water rates are being established in all sections of the country between the foothills of the Alleghenies and the Rockies, and even penetrating both of those mountain districts. The losses upon the Warrior River have been reduced to a point where they are almost wiped out and the business is constantly increasing.

I can not better present these facts to the Senate than to read this short statement of facts—and I do beg Senators' attention, a thing I seldom do. It is the best showing which has ever been made in the history of the Government of any enterprise entered upon by the Government:

> The Mississippi-Warrior service carried between New Orleans and St. Louis, in 1927, 1,251,276 tons of freight. A survey by Norman F. Titus, chief of the transportation division of the Department of Commerce, shows that there was available for barge transportation on this route, whenever equipment sufficient to handle it could be had, 6,995,424 tons of freight.

In other words, all that they need now is money to buy additional boats. The business is there. The organization is there. The overhead has to be paid, and there is about four times as much freight waiting to be shipped upon these barge lines as they have capacity to carry.

> On the Warrior River service between New Orleans and Mobile and Mobile and Bridgeport there was transported in 1927, 396,000 tons. Mr. Titus's survey discloses that when sufficient equipment is available there is ready to move an annual tonnage of 1,442,652 tons.

Again it appears that there is a little more than one-fifth of the equipment which is necessary. These figures can be found on page 175 of Part I of the hearings before the House Interstate and Foreign Commerce Committee on H. R. 10710, March and April of this year. Let me say to my friend the Senator from New York [Mr. COPELAND] that the House hearings were very voluminous, and abundant opportunity was afforded there for everyone to appear who desired. The hearings appear in two printed volumes which I hold in my hand.

Mr. COPELAND. Mr. President, will the Senator yield to me?

Mr. REED of Missouri. Yes.

Mr. COPELAND. The trouble about it is, however, that the particular interests to which I have referred to-day were not heard. At least, those persons were not fully heard by the Senate committee.

Mr. REED of Missouri. But they had an opportunity to be heard before the House committee, did they not?

Mr. COPELAND. They did.

Mr. REED of Missouri. What were those interests?

Mr. COPELAND. Largely the sugar interests.

Mr. REED of Missouri. The sugar interests appeared before the Senate committee, and I hold in my hand the testimony which they gave.

Mr. COPELAND. Yes; one or two persons appeared.

Mr. REED of Missouri. Three or four of them.

Mr. SACKETT. Mr. President, I think that every sugar interest that wanted to be heard had the opportunity to be heard before the Senate committee.

Mr. COPELAND. If the Senator from Missouri will yield, I wish to ask the Senator from Kentucky, who has volunteered this information, does he think that all the members of the Commerce Committee were fully informed regarding the situation and heard all these complaints?

Mr. SACKETT. Every Senator who was present, I think, thoroughly understood the matter.

Mr. COPELAND. Yes; I think everybody who was present did, but as the Senator very well knows, I explained to the committee that I could not be there because I was in the Appropriations Committee that afternoon on an important bill; other Senators also were away. My plea was that there might be another meeting of the committee, when all or a large number of its members could be present, in order that these complaints might be listened to.

Mr. SACKETT. All of the sugar people who wanted to be heard were heard at that meeting. Nobody who offered to come here has been refused a hearing.

Mr. COPELAND. What was the use of the men appearing when there was nobody to listen to them?

Mr. SACKETT. There was a very good attendance of the committee.

Mr. REED of Missouri. That introduces a new question. It appears that the opportunity was given to be heard, but the objection is that there was not a full membership of the committee in attendance. If that objection is to obtain, then we shall never get through with hearings, because I have not sat on a committee since I have been in the Senate when for any considerable length of time the full membership was present; but the testimony is taken in shorthand and is preserved. The sugar interests were heard in this case, as I shall show a little later on.

Now, to delay action by the Senate upon a bill because when gentlemen came to be heard there was not a full meeting of the committee is something that I think would be unusual, to say the least.

Mr. COPELAND. The able Senator from Missouri knows as well as does anybody in this Chamber how extremely difficult it is at the end of a session to hold any satisfactory hearings. Early in the session we had hearings before the Commerce Committee which were well attended and where the upper-river people were heard extensively. But last week we had very little time to devote to a matter which is so important as this. My complaint is, and I think the Senator from Michigan [Mr. VANDENBERG] has exactly the same feeling as regards the great beet-sugar interests of the country, that interested parties have not had that same opportunity to appear before the Senate committee. At least, they have not been there under such circumstances as to impress their views.

Mr. REED of Missouri. Very well. The point is that the Senate committee did not see fit with a full membership to hear some sugar gentlemen; and I intend to pay my respects to that crowd of individuals before I leave the floor.

Mr. COPELAND. Mr. President, if the Senator from Missouri will yield further, I desire to say that it is not a question of the sugar interests alone. There are other interests of the port of New York which are concerned in this matter. While

I may share some of the views of the Senator from Missouri as regards certain sugar interests, yet there are other considerations. It means much to my people, because we have great refineries, the Senator must remember, in my section of the country, and in my State, where thousands of persons are employed.

Mr. REED of Missouri. Yes.

Mr. COPELAND. If this bill enacted into law means the shutting down of those refineries and the throwing out of employment of thousands of people, that is a matter of concern to me, whether I am interested in the sugar people or not.

Mr. REED of Missouri. But the Senator from New York stated that what he wanted was a hearing, and that in a general way he was in favor of the bill. When I get to it, I am going to discuss the attempt of one part of the country to stop transportation in another part of the country in order to benefit some local concern.

Let me proceed, if I may, in detailing the successive progress of this great enterprise. The upper Mississippi River——

Mr. SHIPSTEAD. Mr. President, will the Senator from Missouri yield for a moment?

The PRESIDING OFFICER (Mr. EDGE in the chair). Does the Senator from Missouri yield to the Senator from Minnesota?

Mr. REED of Missouri. I yield.

Mr. SHIPSTEAD. Mr. President, in view of what the Senator from New York [Mr. COPELAND] has stated, having been present at the meeting of the committee and having heard the sugar people from New York who came in opposition to the bill, I might as well state right here what the weight of their argument was. The weight of their argument was that they had a big business and if the barge line shall be permitted to operate and to enlarge its facilities, it will make freight rates so low that they will cut into the business of the American Sugar Refining Co. by reducing the rates so that they can not compete in the inland territory that is now suffering from high freight rates. The man who appeared for the American Sugar Refining Co., spoke very frankly because he seemed to hold the view that the company had a vast territory in which they had a vested interest, and they objected to the increase of the equipment of the barge line corporation and the extension of its transportation service because thereby freight rates would be reduced. I do not find any fault with the gentleman's motives, but I question his point of view in that he seems to think that certain people in New York have a vested right in the misery of the people of the central portion of the United States, who are suffering from high freight rates.

I will say as to the Senator from New York that he has been very fair in all of the hearings. He has always been fair to the West. He voted for the farm bill and other farm legislation. We held hearings earlier in the winter on a companion bill. The Senator from New York attended the hearings, and, with other Senators, remained until 11 o'clock at night. However, I can not agree with the Senator from New York that it is necessary to delay the consideration of this bill, in order to have more testimony of the character we had the other day. I think that the man who appeared for the American Sugar Refining Co. covered the case thoroughly from his point of view and from the point of view of the sugar people. I think they have had a hearing.

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

The PRESIDING OFFICER. The Senator from Missouri has the floor. Does he yield to the Senator from Michigan?

Mr. VANDENBERG. I wish to ask the Senator from Minnesota a question.

Mr. REED of Missouri. I yield.

Mr. VANDENBERG. Was there any statement before the Commerce Committee on behalf of the beet-sugar farmers of Michigan?

Mr. REED of Missouri. There was; I have it here.

Mr. VANDENBERG. The Senator has before him the letter which I presented, but was there a further statement also before the committee? I was unable to attend.

Mr. SACKETT. The secretary of some beet-sugar organization appeared.

Mr. REED of Missouri. They were all represented.

Mr. VANDENBERG. That is what I wanted to know.

Mr. FLETCHER. Mr. President——

Mr. REED of Missouri. I yield to the Senator from Florida.

Mr. FLETCHER. Mr. President, in this connection I desire to say that the Commerce Committee has given every opportunity for every interest to come and present its views in reference to this bill. The hearings were held in a formal way, the testimony was taken down, and due consideration was given to every point raised affecting the measure. The only proponents of the bill who appeared at the last hearing were the representatives of the sugar interests. There was a sugar factory in Savannah, Ga., that felt that if the rates on the barge line in the Mississippi were lowered a part of its territory up in Kentucky and Tennessee would be reached by sugar coming up the river.

Mr. REED of Missouri. They would have to compete a little.

Mr. FLETCHER. They would have to compete to some extent. It appeared, for instance, that they had had Atlanta as their original market almost exclusively, but the barge-line development made competition in Atlanta for them, which they did not much like. It developed at the hearings that the largest sugar consumer in Atlanta, the Coca Cola Co., was buying both from Savannah and New Orleans; it was playing one against the other to a certain extent.

Then, coming to Baltimore, the Baltimore sugar people said: "We have certain customers in this region that might be reached by the Mississippi, and we regard this as our market, and it ought not to be taken away from us. By developing transportation on the Mississippi and giving lower rates there sugar would even come around from Hawaii through the Panama Canal or through San Francisco and compete with sugar interests on the Atlantic coast." It developed at the hearings that the sugar factory in Baltimore also has one in New Orleans. So if it should not get the business in Baltimore it would have the same opportunities that the New Orleans sugar interests have.

Then we come to New York and New Jersey and Pennsylvania and to the beet-sugar interests. All those people were complaining about some of their territory being taken away.

Mr. BRUCE. Mr. President——

Mr. FLETCHER. Mr. President, I do not yield now. I ask the Senator to let me finish this statement.

The PRESIDING OFFICER. The Senator from Missouri has the floor and has yielded to the Senator from Florida.

Mr. BRUCE. I could not know whether the Senator would yield until I had been advised.

Mr. FLETCHER. The Senator from Missouri yielded to me, and I am doing the talking for just a minute or so.

The sugar people seemed to have the idea that this country ought to be zoned off; that the factory in Savannah ought to have a zone and ought to have a complete monopoly in that zone; that the factory in Baltimore ought to have the same privilege, and also the sugar interests in New York, New Jersey, and Pennsylvania; and then the beet-sugar people ought also to be given complete control in their territory, thereby getting rid of all competition.

The same arguments which were presented by the sugar people before the Commerce Committee have been presented before the Interstate Commerce Commission whenever the barge lines have applied for the application of joint rates with the rail carriers; they have been threshed out before the Interstate Commerce Commission over and over again. No new point is involved.

This is the first time I have ever heard complaint being made about low rates being furnished. We have pursued the policy of developing our waterways; but what is the use of developing our harbors and our waterways so as to afford every possible facility for the transportation of our products if certain industries are going to complain that when lower rates are afforded those industries are injured? I think that we ought to go on with this enterprise and put it in condition so that it will eventually be a paying proposition all the way through. Then it can be sold. It can not be sold now because there are portions of the enterprise that are not profitable. It is divided into three units—the Black Warrior, the lower Mississippi, and the upper Mississippi; that is the way the organization keeps its accounts. The lower Mississippi part of it, from St. Louis to New Orleans, for instance, is profitable; it is earning money. The upper Mississippi portion is not yet profitable; it has not been fully developed. The Ohio and the Mississippi further up are being improved and eventually the commerce from that section will move over this route to a large extent. The barge line is able now to carry about one-fourth of the commerce that is available and that wants to move by that waterway.

Additional facilities are desired so that the whole system can be put upon a sound and safe basis and then can be sold. As I have said, it can not now be sold.

Another thing is, this bill provides that the Interstate Commerce Commission shall have the power and authority, and it shall be their duty, to pass upon this question of rates; so that all the points raised by the sugar people as to the question of rates will be matters which the Interstate Commerce Commission will be obliged to consider, and will pass upon, and will determine upon the proper basis. These interests will all be taken care of in that case, and this bill provides

for that. They will be heard, because they have their rights before the Interstate Commerce Commission, on the question of rates. If the rates are too low, or unreasonable, or injurious to industry, those are matters which will be considered, and which this bill specifically takes care of.

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

Mr. REED of Missouri. The Senator from Maryland [Mr. BRUCE] had risen. I do not know whether he desired to ask me a question or not.

Mr. BRUCE. No; I wanted to ask the Senator from Florida [Mr. FLETCHER] a question. That was my purpose.

Mr. REED of Missouri. I yield to the Senator from Minnesota.

Mr. SHIPSTEAD. I want to make a correction. I said that representatives of the American Sugar Refining Co. appeared. It was the representatives of the National Sugar Refining Co.; and I want to call attention to one statement——

Mr. REED of Missouri. The Senator is in error. I have the record before me. Mr. Cochrane said:

> Mr. Chairman, I am an attorney at law, with offices in 62 William Street, New York City. I appear here on behalf of the American Sugar Refining Co., with which I am connected both as an officer and director.

Mr. SHIPSTEAD. I thought it was the American Sugar Refining Co., but the Senator from New York told me that I was incorrect; so I wanted to correct my statement in case I was incorrect.

There was one statement made by the gentleman that I should like to have the Senate learn of this afternoon. The gist of his argument was that this barge line could cut freight rates so low that sugar interests from Hawaii and the southern part of the United States could lay down sugar in Buffalo, N. Y., coming up from the Lakes, in competition with the American Sugar Refining Co.'s refineries at Edgewater, N. J., and Brooklyn, N. Y. The gist of his argument was that he does not want competition for his business.

Mr. COPELAND. Mr. President——

Mr. REED of Missouri. I yield to the Senator from New York.

Mr. COPELAND. Just for a moment, if the Senator please. The Senator from Florida [Mr. FLETCHER] complained apparently that the attitude of those of us who are standing temporarily in opposition to this bill is founded on the fact that we are trying to stay transportation progress, and that we complain because there are to be lower rates.

I remember very well that when it came to the question of a tariff on grapefruit the Senator from Florida was seeking to take care of the people who raise grapefruit in his State. My people in the port of New York ship sugar to Cleveland, five or six hundred miles from our city. If this barge line is put into operation, sugar can be laid down in Cleveland for 20 or 25 cents a hundred less than we can do it because of the difference in the rate.

My contention is that there should be an opportunity given the New York people to make a rearrangment of the rate on sugar from New York, in order that they may be put in decent position to compete with this sugar from the South when the barge line is built. That is one reason why I think the matter should be dealt with at a later time.

Mr. REED of Missouri. That, of course, can be done by the Interstate Commerce Commission at any time; and the bill provides for it.

Let me proceed, because I want to get before the Senate in something like a concrete statement the progress that has been made in this river development. I have about made up my mind that one ought never to submit to interruption, because it produces irregularity in the debate; but I will submit.

The upper Mississippi is just a new venture; but on page 17 of the report is the testimony of Mr. Frank B. Townsend, director of traffic of the Minneapolis Traffic Association. He shows that the total estimated potential river movement of north and south tonnage on the upper Mississippi will amount to 2,052,870 tons annually, and that this is ready as soon as the equipment is available to handle it, and that there will be a saving in freight charges to shippers of approximately $4,000,000 per year, the exact figures in his estimate being $3,954,559.

On page 75 of the hearings Senators will find the statement of Mr. George J. Miller, the secretary of the Missouri River Navigation Association, showing a total tonnage available to move by the Missouri River—now, that is the Missouri—to and from Kansas City of 5,912,190 tons, with a saving of freight of $4,881,405 annually.

Let me say here that the citizens of Kansas City and other parts of Missouri several years ago undertook to and did establish a boat line. They went through all the experimental stages with boats that were not adapted to traffic upon the streams. They finally had practically solved the problem when the Government, during the war, took over their boats and took them away from them. They thereupon deposited the moneys received in a bank, where they have substantially a million dollars which they are ready to reinvest in this business as soon as there is a proper improvement of the river.

Let me proceed, however, with these figures.

On page 221 of the same document is a survey submitted by Mr. Titus, of the Department of Commerce, showing a potential tonnage on the Missouri River from its mouth to Yankton, S. Dak., available to move whenever equipment is furnished to handle it, of 8,445,355 tons.

Before I proceed further on this line of thought, let me say that when one or two dams are finished in the Ohio River a tonnage will be released into the Mississippi so great that I should hesitate even to undertake to state the figure, but a tonnage that probably will equal all of the figures I have already given if they were all added together. When that time comes, the benefits from this improvement will probably be greater than all of the benefits from all of the improvements ever made by the Federal Government; and we find two or three sugar refiners here trying to throttle an industry of that kind so that they can keep a little larger trade and be freed from competition.

A comparison of the average earnings of water and rail carriers may be of interest.

The water lines on the Great Lakes carry freight at a charge of 1¼ mills per ton-mile. The ocean carriers get on an average 3 mills per ton-mile. The Mississippi-Warrior Barge Line receives 4.12 mills per ton-mile. The class A railroads charge 11.1 mills per ton-mile. All of these figures are official, the railroad figures coming from the Interstate Commerce Commission and the others from the Shipping Board and the barge line service.

The estimated average saving to shippers by the use of the barge line for joint river-and-rail haul and for all-river haul is $1.65 per ton, which would be for the Mississippi River a saving of $2,064,605.40, and for the Warrior River $647,400, or a total actual saving to the shippers by the use of the barge line service in 1927 of $2,712,005.40.

Regardless of the heavy loss which came to the Mississippi-Warrior service in 1927 as a result of the floods, the line between New Orleans and St. Louis showed a net profit of $261,436.16. Page 204 of the hearings recites that fact. It is estimated that had it not been for the extraordinary conditions created by the flood, the net profits would have been in excess of $700,000. It is well to remark here that in addition to having made this profit, the lower river made a freight saving to shippers of $2,064,605.40. That is a remarkable record under the circumstances; and the amount would have been over four times as great in a normal season.

The accounts of this corporation, Senators, are kept under the rules and regulations laid down by the Interstate Commerce Commission; and the testimony before the House and Senate committees, particularly that of Mr. Brent, shows conclusively that the attacks of the enemies of the line on the accounting system used by the service are fallacious.

On page 69 of the hearings is a table showing the States that participated in the traffic of the Missouri-Warrior River Barge Line, with the account of north and south bound tonnage in each State. I want to call attention to the States that thus participated in the benefits; and I desire to insert in my remarks at this point the table as printed on page 69 of the hearings:

The PRESIDING OFFICER. Without objection, the table will be printed in the RECORD.

The table is as follows:

States participating in traffic of Mississippi-Warrior service, year ending December 31, 1925

State	Northbound	Southbound
	Net tons	*Net tons*
Alabama	155,405	193,358
Arkansas	13,517	13,302
California	3,632	16,846
Colorado	783	4,768
Connecticut	6	
Delaware	40	
Florida	4,657	7,245
Georgia	7,299	20,665
Illinois	252,765	61,011
Indiana	13,042	21,884
Iowa	19,698	5,819
Kansas	3,614	16,026

States participating in traffic of Mississippi-Warrior service, year ending December 31, 1925—Continued

State	Northbound	Southbound
	Net tons	*Net tons*
Kentucky	12,002	9,007
Louisiana	491,112	355,390
Maryland	115	
Massachusetts	32	71
Michigan	4,772	6,606
Minnesota	16,307	2,054
Mississippi	25,433	12,404
Missouri	54,726	136,286
Nebraska	4,369	89,641
New Hampshire		4
New Jersey	4	
New York	489	80
North Dakota	469	
Ohio	2,395	20,697
Oklahoma	1,288	1,558
Oregon	164	1,634
Pennsylvania	227	3,779
Rhode Island	1	
South Dakota	1,528	460
Tennessee	59,039	54,262
Texas	25,569	20,709
Vermont	2	
Washington	3,697	3,345
Wisconsin	19,142	11,175
Wyoming		263
West Virginia		2,347
Total, 1925	1,197,340	1,092,696

NOTE.—The actual tonnage transported by the Mississippi-Warrior service was 598,670 tons northbound and 546,348 tons southbound. The figures shown above are twice those amounts, as both the point of origin and the point of destination are credited with the tonnage that was received and forwarded during the year 1925.

Mr. REED of Missouri. For the present, however, let me say that the astonishing fact is revealed that nearly 40 States of the Union participate in the benefits.

From Alabama to Wyoming this vast territory is benefited. That is because joint rail-and-water rates are at last being forced so that localities in the Rocky Mountains, the Sierra Nevadas, the Alleghenies, and the Blue Ridge are receiving these benefits.

Mr. President, it is not necessary to enlarge upon this phase of the question. We have passed by the day when it is said that river transportation can not be successful. The complaint now is that it is too successful. The protest comes from gentlemen who do not want lower rates in that section of the country. The protest comes from the Sugar Trust, and what is it? I will say, first, it is the finest specimen of colossal impudence and of unmitigated and brutal selfishness that I have ever heard of since I have been old enough to remember. When a business institution has the cool impudence to protest against cheap freight rates because they impair its monopoly, that is the last word in the vocabulary of insolence, and coming as it does from an institution that became so obnoxious that it had to be disciplined by the Department of Justice, disciplined for setting up a monopoly, the character of the impudence is accentuated. It used to establish monopoly by illegal and criminal combinations. It now desires to have the Senate help it maintain a monopoly by refusing to allow cheap freight rates that would benefit the people.

The situation has been well expressed by the Senator from Florida, that the concept of these sugar refiners seems to be that they have a natural and God-given right to a monopoly of a certain territory.

Mr. BROUSSARD. Mr. President, for years and years Louisiana sugar producers had to sell their sugar crop to this same monopoly. They refined the sugar in the city of New Orleans and never sent it to New York. They made the distribution from New Orleans; but they deducted freight charges from New Orleans to New York from the price they paid our people. They did under our protest, but we were compelled to sell our sugar to them. That is an example of their methods.

Mr. COPELAND. Mr. President, was that the National Sugar Refinery?

Mr. BROUSSARD. That was the American Sugar Trust.

Mr. COPELAND. The Senator from Missouri is mistaken when he says Mr. Cochrane represented the American. He did not; he represented the National. The record is wrong. He comes from the National. Mr. Ripley represented the American, and he favored the barge proposal. This "wicked trust," spoken of by the Senator from Missouri and the Senator from Louisiana, was represented by Mr. Ripley, of the American Sugar Refinery.

This record the Senator from Missouri is looking at has Mr. Cochrane as representing the American Sugar Refinery. He is from the National, which is not in the trust which the Senator is condemning in set terms.

Mr. REED of Missouri. Very well. Let me read the record.

Mr. COPELAND. The record says the American, and the record is wrong.

Mr. REED of Missouri. I think I can still read, whatever other misfortunes have befallen me.

Mr. COPELAND. I will say for the benefit of the Senator that the record says that Mr. Cochrane represented the American Sugar Refinery, but I am here to say that he represented the National Sugar Refinery.

Mr. REED of Missouri. Mr. President, I do not care whether he represented the American or whether he represented the National; any institution that will try to prevent the establishment of cheap freight rates in order that it may preserve a monopoly has not the morals of an ordinary snake. But the record says:

STATEMENT OF MR. HENRY F. COCHRANE

Mr. COCHRANE. Mr. Chairman, I am an attorney at law with offices at 62 Williams Street, New York City. I appear here on behalf of the American Sugar Refining Co., with which I am connected both as an officer and director.

The CHAIRMAN. You appear here in favor of the legislation?

Mr. COCHRANE. In opposition to it. The position of the company that I represent is that an extension of this service into the States which have not been mentioned prior to this time will not only cripple the industry which I represent, which pays in duties upwards of $75,000,000 a year into the Treasury, and which does a business of $135,000,000, all east of the Mississippi River, and which does a business of practically $20,000,000 in two States wherein the proposed service has already intruded, but will also interfere with our business—

"Our business"—

in the States of Ohio and Kentucky, and I might add also Illinois, and also the State of Indiana.

And he proceeds to make that sort of argument. Prior to the statement of that sugar gentleman was the statement of Mr. Lovett, who said he appeared in behalf of the Savannah Sugar Refining Co., located at Savannah, and he offered the same character of argument as that to which I have just referred. Then Mr. Tommins said he represented the Savannah Sugar Refinery. What was his complaint? His complaint was that the Mississippi-Warrior service was growing too fast, that it was too prosperous. He said that in 1918 in three months they carried only 12,000 pounds of sugar, that in 1919 they had carried 36,972,000. He gives the figures for the other years, which I am going to ask to have printed as a part of my remarks. But in 1927 the total had come to 895,904,000 pounds of sugar. The argument is that it is delivered to the people cheaper than it otherwise would be delivered, and hence we are asked to scuttle the boat line because it delivered last year 895,904,000 pounds of sugar to the people of the United States cheaper than they otherwise would have obtained it. That is a fine argument to present.

Ah, but these gentlemen say, "We paid a tariff on sugar." They talk as though they had paid a tariff on sugar. There is not a sugar refiner in the United States who ever paid one penny of tariff, not one penny. The people who ate the sugar paid the tariff, and the refiner added it to the price and paid the American Government, but it was paid in fact by the consumer.

Who is it that makes these objections? What is the basic objection? It is that there is transportation being furnished too cheap by an improved method. The argument is that that cuts into the local trade territory of the manufacturing concern, that is to say, if we did not have any good highways, if we did not have any good railroads, then this particular concern would have a territory that could be reached by people who could just drive in, and it would have an exclusive trade there because nobody else could get anything to them, and therefore they ought to be allowed to maintain that advantage.

If that argument is sound, then they ought to have resisted the building of every highway in the land that has been improved, they ought to have resisted the building of railroads, they ought to have resisted the building of ship lines, because every one of them has the effect of letting in competition from abroad, and tends to destroy the monopoly which would exist if there were no lines of transportation except the old-fashioned oxcart.

Let me say to my friend from New York that if we had not built these railroads, if we had not built these highways, if there had not been ships of improved capacity put upon the ocean, New York would still have been a village.

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

Mr. REED of Missouri. Yes; if the Senator wants to dispute that fact.

Mr. COPELAND. I want to discuss it for a moment with the Senator. The nationally owned railroads of Canada, which

last year had a loss of $60,000,000 in operation, carry freight so much more cheaply than our railroads do that last year 90,000,000 bushels of American wheat went through Montreal for export, only 37,000,000 through our port of New York.

Mr. REED of Missouri. So much the better, then, for the Government-owned roads. That is all that it argues. I am not talking about Government ownership as a principle, and do not propose to be led into that; but if it is true that the Government-owned roads of Canada have hauled freight so much cheaper than our roads that 90,000,000 bushels of wheat could be shipped out of its ordinary course and carried over those roads, then the argument becomes almost irresistible that we ought to do something like that ourselves; but I am not arguing that, and I am not for it. There is reason for it outside of what the Senator says. I am stating to the Senator from New York, I am stating to every man who has any sense of fairness or decency, that the great city of New York is where it is and is what it is because of transportation. Every time we have appropriated money—and we have appropriated millions and millions of money to improve the harbors of New York—we have made it easier for traffic to get in and get out, and we have improved New York, and every time we have improved New York in that way we have taken some business, either existent or potential, away from some other point. But we did not hear any New Yorker squeal about that.

Mr. BORAH. Mr. President, the Senator might go further and contend successfully that if it had not been for transportation the Senator from New York would not have been in New York.

Mr. REED of Missouri. Yes; that would be true, and that would have been a great calamity under which the city would have suffered through the ages.

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

Mr. REED of Missouri. Certainly.

Mr. COPELAND. Of course, I ought to say that my family originally went west by water transportation. They went by the Erie Canal, so I have an interest in waterways.

Mr. BORAH. But the Senator returned by rail?

Mr. COPELAND. Yes; I did.

Mr. REED of Missouri. Mr. President, we built the Panama Canal at public expense. Why? Because it was recognized that the canal would be of general benefit to the country. We did not stop in the building of it because we knew the principal advantage would go to the two great coasts. We knew that. We knew that every State and every city which fronted upon the waters of the oceans or the great bays and gulfs would be immediately in direct contact with every other part of the coast line of the United States. We knew that this great canal would enable them to enlarge their foreign commerce. It was done at the public expense and inured chiefly to the benefit of the eastern and western coasts.

We built railroads across the country and a large part of the western roads were built out of public land grants. Why? In order to increase transportation and travel and to save money and time. It may be we gave away too much land, but that was our policy.

Our theory has been that every time we cheapen travel we shorten distance; every time we shorten distance we reduce cost; every time we reduce cost we reduce labor; we increase the opportunities for the luxuries of life; we develop our country. But here come three sugar refiners, like three toads out of the dead past, and perch themselves upon a dead log and croak, "There shall be no transportation because somebody will sell sugar in competition with us, and we do not want any competition."

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

Mr. REED of Missouri. I yield.

Mr. COPELAND. Why does not the Senator then propose that we buy the railroads between New York and the West at Government expense, because then we could make the rates on sugar even cheaper than by an expenditure of this large sum of the taxpayers' money? We propose to make available the barges on the Mississippi in that way.

Mr. REED of Missouri. I wonder if the Senator thinks that is worthy of stopping to reply to? This barge line was inaugurated as a war measure. It was necessary. The bill was passed without any opposition. The railroads had broken down. They could not carry the freight. They were blockaded for 150 miles from New York westward and northward. An order had been issued to close all the factories south of the Ohio River for three weeks in order that transportation could catch up with production. The boats were purchased and put upon the rivers. Unfortunately for themselves, a lot of railroad organizations opposed and bitterly contended against this improvement. It is in fact a success, and because it is a success we meet with this opposition. Suppose we wiped it out? Suppose that this saving was not made on freight rates and the farmers of 32 States had to pay higher rates, how many millions of dollars would it be in a year? We had better buy all the sugar refineries in the country and junk them than to submit to such a terrific loss as would ensue.

I view this as a practical question. I am not ordinarily in favor of Government ownership of anything that is engaged in business. But every rule can be carried to an absurd extreme. If it were an initial proposition and if it were presented to me that we were about to establish postal routes and a Post Office Department, I am not sure but I am so wedded to the doctrine that the Government should not be in business that I would vote against that proposal, if I was not advised and had no evidence. But we have had the post office. It was a gradual development in growth. I have not the slightest doubt that our mails are carried to-day for one-tenth of what it would cost us if the department was in private hands. There is no one in the country foolish enough to propose to turn the post-office business over to private hands.

Again, I would be opposed to the Government establishing hydroelectric plants. But during the war, as a war measure, we invested many millions of dollars in Muscle Shoals. That money is there. The question which we have discussed in the Senate for many days was whether the Government would go on now and see that we realize upon that money and that the people obtain some benefits from it, or whether we would turn that great enterprise over into the hands of private individuals. Under the circumstances which presented themselves I was not in favor of turning it over into the hands of private individuals or private companies that already were able to exercise almost a monopolistic domination over several of the great States of the Union.

We have this enterprise. It is flourishing. It is in its infancy. I do not say that it should always be operated by the Federal Government, but it is absolutely certain that it should be operated by the Federal Government until such time as it becomes perfectly manifest that it can be turned over to private companies and that those private companies will continue to give to the people the same benefits we now receive. This bill provides that that may be done. It has in it a clause providing that that can be done, which I never would have put in it if I had been drafting it, because I think it is a dangerous clause; it may be abused.

Sir, I have not the slightest doubt that, with modern equipment and with the improvement of these rivers which now must take place under the great bill which we passed for their improvement, that 10 years from to-day freight can be carried upon these streams at 50 per cent of the present railroad costs. Nor do I believe that this will be of the slightest injury to the great railroads traversing the vast Mississippi and Missouri Valleys. At the present time, because of the construction of the Panama Canal and because of railroad rates, many of our great factories, mills, and wholesale houses of the Mississippi Valley are establishing branches or are moving to one or the other of the two coasts. We built the Panama Canal and, in a sense, this river improvement will be an articulation of the Panama Canal and will offset to the great interior to some extent the disadvantages under which they now suffer by reason of the construction of the canal.

These sugar refiners come here from the coast, where they are in access to all the oceans of the world, and protest against an improvement which affects the entire interior of the country. What about the business men of New Orleans? Have they no rights? What about the business men of St. Louis? Have they no rights?

What about the business men of Memphis and of all the great cities that line the banks of the Mississippi? What about the great cities on the Ohio, on the Tennessee, on the Illinois, on the Missouri? Have the business interests there no rights? Are we to sectionalize this country, and when we put in an improvement ask whether it will enable somebody to compete outside of the particular vicinity of the improvement? If so, then let us stop making these improvements. Let us say every time New York wants something that we will not give it to New York because it may impair the trade of some dry-goods merchant or some grocery keeper somewhere in the interior. Let us say to Baltimore, "We will never spend any more money in the waters that affect you, because it may enable you to compete with some other town that you can not now compete with." Let us go back to first principles, to the condition that existed before we adopted the Constitution, when the various States set up trade barriers against each other in the form of tariffs or in the form of excise charges or in the form of license fees; let each State keep within its own borders and prosper upon

itself. That is the theory. The theory is that an improvement must not be made because trade territory will be extended for somebody else.

Mr. President, there is an emergent reason for passing this bill. If I have spoken with any heat, it is because every red corpuscle of my blood rises in rebellion and disgust at the spectacle of the proprietors of great business organizations coming to the Congress and undertaking to set up the doctrine that an improvement must not be made because some other concern will be able to sell to people in the territory which they now exclusively control. I am astounded to find so low an order of intellect in the management of these great concerns as to make it possible for that intellect to conceive that such a doctrine would ever be accepted in the United States.

Mr. SHIPSTEAD. Mr. President, I ask unanimous consent that there may be printed at this point in the RECORD an address by W. W. Morse, of Minneapolis, delivered on the 20th day of January of this year, in which Mr. Morse, in a very condensed form and very ably explains the history of river transportation under the Inland Waterways Corporation on the upper Mississippi River.

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

Mr. Chairman, honored guests, fellow members of the Minneapolis Rotary Club, a little over two years ago, on December 18, 1925, to be exact, you gave me the privilege of presenting to the club a brief résumé of the plans which have been taken in hand by a group of Minneapolis business men, looking to the restoration of water-borne transportation on the upper Mississippi River.

Two years having passed since then, the chairman of the program committee has kindly asked me to tell you at this time what progress has been made thus far, what may be expected, and the present outlook for the project.

The year 1925 may be characterized as a year of agitation, the year 1926 may be characterized as a year of preparation, and the year 1927 as a year of beginnings. On December 10, 1925, the Minneapolis committee went to Washington and presented to the President of the United States a brief setting forth the need and method of establishing water-borne transportation on the upper Mississippi between St. Louis and the Twin Cities.

In my address to the club on December 18, 1925, I outlined to you the steps leading up to the presentation of this brief to the President of the United States. Following our action in placing the matter before the President, the subject was taken up at a cabinet meeting and duly approved; and on January 20, 1926, the Hon. Dwight F. Davis, Secretary of War, entered into a contract with the Upper Mississippi Barge Line Co., which was organized by Minneapolis and St. Paul business men on November 21, 1925, under which the Secretary of War agreed to lease from the Upper Mississippi Barge Line Co. a fleet of towboats and barges to be constructed at a cost of approximately $600,000 by the Upper Mississippi Barge Line Co. for a term of five years at a rental of $30,000 per year or 5 per cent of the cost.

This arrangement was brought about by reason of the fact that there was at that time no equipment suitable for freight carrying on the Upper Mississippi River, and there were no Government funds available apparently for the purpose of constructing such a fleet. The Upper Mississippi Barge Line Co. was organized by the Minneapolis and St. Paul business men in November, 1925, with an authorized capital of $1,000,000. One hundred thousand dollars of the capital stock of the corporation was placed in the city of Minneapolis, $50,000 in St. Paul, and $50,000 in other river cities between the Twin Cities and St. Louis, including Davenport, Moline, Rock Island, Dubuque, Burlington, Keokuk, and Quincy.

Additional funds in the sum of $500,000 were secured by a bond issue to be secured upon the fleet about to be built and under lease to the Government. The first president of the Upper Mississippi Barge Line Co. was Mr. S. S. Thorpe, who had been leader in the movement from the beginning. Subsequently Mr. Thorpe was appointed to membership upon the advisory board of the Inland Waterways Corporation and, as a result of this appointment, found it necessary to relinquish the presidency of the Upper Mississippi Barge Line Co.; and he was succeeded by Mr. C. C. Webber, to whose untiring and splendid support the success of this effort up to the present time is largely due.

You doubtless are familiar with the organization of the river service. It is handled by the Inland Waterways Corporation, a Government corporation established by the act of June 3, 1924, and administered by the War Department under the Hon. Dwight F. Davis, Secretary of War, whose appointee, Maj. Gen. T. Q. Ashburn, is the chairman and executive and acting directing head of the Inland Waterways Corporation, which carries on the transportation service on the Mississippi River from the Twin Cities to New Orleans and on the Warrior River operating between Birmingham, Ala., and Mobile.

Upon the signing of the contract between the Upper Mississippi Barge Line Co. and the Inland Waterways Corporation on January 20, 1926, the directors of the Upper Mississippi Barge Line Co. requested General Ashburn, as head of the Inland Waterways Corporation, to advise them as to whom they should choose to design the fleet of boats and barges for service on the upper river. General Ashburn recommended the firm of Cox & Stevens, of New York, and Mr. T. R. Tarn, of Pittsburgh, as the best naval architects and designers in the country, and a contract was entered into by the directors of the Upper Mississippi Barge Line Co. whereunder these gentlemen agreed to as quickly as possible furnish plans and specifications for a typical towboat and a typical barge for this upper-river service, the cost of these plans and specifications and supervision of construction amounting to some $20,000.

In the meantime and while the preparation of the plans and specifications was under way Mr. Theo. Brent, traffic manager of the Inland Waterways Corporation, presented a brief to General Ashburn and to the Upper Mississippi Barge Line Co. on March 1, 1926, showing that the sum of $600,000, which was at that time available, would be entirely inadequate to construct a fleet suitable in size for the work to be done. In this brief it was shown that the money in hand would only be sufficient to construct 2 towboats and 11 barges, and that so small a fleet as this would be entirely unable to transport freight enough to make it a paying proposition or to materially affect the northwestern freight-rate situation.

With this situation confronting the directors of the Upper Mississippi Barge Line Co., it was felt that something must certainly be done, and accordingly another trip was made to Washington; and your speaker presented the situation to Secretary of War Davis and made an earnest appeal to him to allot $1,000,000 for the construction of additional boats and barges. After strenuous efforts the Secretary finally consented to allot $250,000 for this purpose, which would be sufficient to construct 1 additional towboat and 4 additional barges, making a total of 3 towboats and 15 barges.

In the meantime the question of terminals for the receipt and delivery of freight to be handled by the fleet under construction became very evidently a most essential matter, and at the request of the Upper Mississippi Barge Line Co. Mr. Walter F. Schulz, of Memphis, terminal engineer for the Inland Waterways Corporation, was retained to prepare plans and specifications for suitable river terminals to be constructed in the cities of Minneapolis, St. Paul, and Dubuque. These designs were prepared and presented to the municipal authorities of the three cities. By reason of the interest which had been by that time aroused in the project all three cities agreed to construct river terminals for the new service in accordance with the plans presented.

Great credit is due the mayor, the city council of the city of Minneapolis, and the board of estimate and taxation for the very splendid cooperation which they have at all times given the Mississippi Barge Line, especially to City Engineer Eisberg for the fine terminal which has been built at Minneapolis, and which was made ready for the coming of the first towboats and barges on August 25, 1927. The city of Dubuque also entered energetically into the construction of a terminal, and their terminal is now completed. The city of St. Paul encountered various difficulties, and it will probably be late the coming summer of 1928 before the St. Paul terminal will be ready for use.

Late in June, 1926, the plans and specifications for the new towboats and barges were completed by Messrs. Cox & Stevens at New York. The specifications were sent to various contractors throughout the country calling for bids to be received at the office of Cox & Stevens, New York, on August 20, 1926. At that time some 12 or 15 bidders were present, bids were opened, and it was found that the Dubuque Boat & Boiler Co., of Dubuque, Iowa, had submitted the lowest bid; and they were awarded the contract for the construction of the three towboats at a figure of $165,000 each, work to be finished and boats ready for service April 1, 1927. The lowest bidder on the barges was the Midland Barge Co., of Midland, Pa., and the contract for the 15 barges was awarded to them at their figure of $20,300 each, barges also to be ready on April 1, 1927.

In the meantime, as we became more familiar with the magnitude of the project, which we had undertaken, and the amount of equipment which was really necessary in order to make the project worth while to this community and a paying proposition to the Inland Waterways Corporation, it was becoming more and more clear that 3 towboats and 15 barges would be wholly inadequate to cope with the situation. It was a case of sending a boy to do a man's work.

Accordingly the situation was taken up with our Representatives in Congress, Hon. WALTER H. NEWTON and Hon. HENRIK SHIPSTEAD, United States Senator, and the success thus far of this project is very largely attributable to their splendid efforts in our behalf. At the opening of the December session of Congress, 1926, Congressman NEWTON presented a bill appropriating the sum of $2,000,000 for the Inland Waterways Corporation, one million to be used for additional equipment on the upper river and one million for additional equipment on the lower river and the Warrior River.

Through the untiring efforts of Congressman NEWTON this bill passed the House, passed the Senate through the efforts of Senator SHIPSTEAD, and was signed by the President and became a law on March 4, 1927; and the $2,000,000 additional funds became available for the use of the Inland Waterways Corporation. At the same session of Congress, Sena-

tor SHIPSTEAD succeeded in having an amendment attached and embodied in the rivers and harbors bill for an appropriation of $3,780,000 for the construction of a lock and dam at Hastings, Minn., and this, too, was passed by Congress and the bill signed by the President and became a law January 21, 1927.

As a result of the $2,000,000 appropriation secured by Congressman NEWTON and Senator SHIPSTEAD, contracts were entered into in May, 1927, for the construction of 45 additional barges and 1 additional towboat for the upper river, and these craft have been under construction during the past year and will be ready for service April 1, 1928. The bill of Senator SHIPSTEAD providing for the construction of a dam at Hastings, Minn., was a most valuable piece of legislation; it will insure a depth of water between the Ford Dam at Minneapolis and the mouth of the St. Croix River at Prescott of from 8 to 12 feet; and what is still better a waterway without much current to contend with and the assurance of an adequate depth of water throughout the season of navigation.

During the summer of 1926 the question of through freight rates from Chicago to Minneapolis and St. Paul via rail to Dubuque, Iowa, and thence by river to the Twin Cities was taken up by the traffic department of the Inland Waterways Corporation with the Chicago rail lines passing through Dubuque, viz: The Chicago Great Western, the Chicago, Milwaukee & St. Paul, the Chicago, Burlington & Quincy, and the Illinois Central. The rail lines refused to join with the barge line in arranging for joint routes and rates for this service, and, accordingly, on November —, 1926, complaint was filed by the Inland Waterways Corporation with the Interstate Commerce Commission, asking that an order be issued by the commission requiring the rail lines to join with the barge line in establishing such joint routes and rates.

A hearing was held in Chicago on January 20, 1927, before Examiner Howell, of the Interstate Commerce Commission. The decision of the examiner was adverse to the applicants, and he recommended that the application be dismissed. Accordingly appeal was taken to the full commission, and the case was argued in Washington on July 7, 1927, the rail lines strenuously opposing the application. Decision was rendered by the commission July 28, 1927, sustaining the position of the barge line and ordering the establishment of joint rates 15 per cent under the all-rail rates.

In February, 1927, your speaker was appointed operating manager of the upper Mississippi division in full charge of the operations between St. Louis and the Twin Cities. Shortly afterwards a five-year lease was entered into by the Inland Waterways Corporation for general offices at 523 Marquette Avenue, thus insuring the maintenance of the headquarters of this corporation in the city of Minneapolis.

On June 1, 1927, Mr. J. C. Goodsell, for many years with the Chicago & North Western Railway and at that time agent of the Chicago, St. Paul, Minneapolis & Omaha Railway at Minneapolis, was induced to cast his lot with the barge line and accepted the position of general superintendent; and on August 1, 1927, Mr. George E. Helwig, at that time assistant district manager of the Western Railway Weighing and Inspection Bureau, and for many years a well-known railway man in Minneapolis, and known to most of you, accepted the position of assistant to the operating manager. Mr. Spencer Gibons, formerly with the Illinois Central Railway, was appointed general traffic manager at Minneapolis, and Mr. E. H. Cordes, formerly at Cincinnati, was appointed general traffic manager at St. Paul. These gentlemen have brought to the barge line interest, enthusiasm, and knowledge of transportation matters which has proved invaluable.

As often happens in such cases, the construction of the fleet was unavoidably delayed beyond the time set, and instead of being ready on April 1, 1927, the first boat, the steamship *Thorpe*, was not ready until August 1; the second boat launched, namely the *O. C. Webber*, was ready a few days later; and the third boat, named the *General Ashburn*, went into commission on September 1, 1927.

The first boat of the series, the steamship *Thorpe*, made her trial trip from Dubuque to St. Louis, leaving Dubuque on August 2, and on August 15 she left the city of St. Louis with a tow of four barges on her way up the river to Minneapolis, initiating the service so long looked forward to. On this first tow the *Thorpe* carried a total of 1,329,249 pounds of freight, with a gross revenue for the same of $6,335.70. This freight consisted of 12 cars of sugar from the refineries in New Orleans consigned to various wholesale grocers in Minneapolis and St. Paul; and the balance of her freight consisted of general cargo of some 47 different kinds of merchandise from shippers in St. Louis and other cities to various houses in the Twin Cities. This first trip of the new service on the river was widely heralded throughout the country and brought to the city of Minneapolis very wide and valuable publicity.

The towboat and barges arrived in Minneapolis, as you will recall, on August 25. General Ashburn was a passenger on this trip, and a dinner was tendered him at the Nicollet Hotel on the evening of the day of the arrival of the steamer and barges, attended by some seven or eight hundred people, including the mayors of more than 25 cities adjoining Minneapolis and from the river towns south of us.

This day was a day memorable in the annals of Minneapolis. It was known to the barge line as the "Minneapolis-to-the-Gulf Day," and it was the same day that Colonel Lindbergh arrived in Minneapolis and the day on which Bobby Jones was playing wonderful golf on the Minikahda Club links.

Following the arrival of the steamer *Thorpe*, her barges were loaded with grain for New Orleans for export via that city, and the second tow arrived in charge of the steamer *Webber* on August 31. This tow brought up 2,083,695 pounds of freight, with a revenue of $7,370.09. Thus was inaugurated the long-looked-for service on the upper Mississippi River.

The great inadequacy of the fleet available at that time was immediately apparent. By the first of September the most of our barges were under load with grain on their way to New Orleans, a trip of some 30 days, and no barges were available to keep the service to schedule. As a result many shippers became dissatisfied with the slowness of the service, and expressions of disappointment were heard on all sides. I can only say that this situation was unavoidable because of the meager equipment provided, and those who were close to the situation had known quite well that this was what we were facing long before the actual developments occurred.

Thanks to the appropriation secured by Congressman NEWTON, we face the opening of navigation in 1928 with a fleet of 60 barges and 4 towboats. With this equipment it is believed we shall be able to maintain a semiweekly dependable service, beginning April 1. The effect of the inauguration of this barge service on the river is already beginning to be reflected in the traffic situation of this city. We hear no more of the proposition, which was being strongly pushed two years ago, for increasing the first-class freight rates from Chicago to Minneapolis from 95 cents to $1.25; nor are our competing cities carrying on the freight-rate warfare against Minneapolis with the force and vigor which was in evidence at that time.

In August, 1927, we had booked 1,000,000 bushels of grain for transit down the Mississippi River to the city of New Orleans for export. The ocean rates from New Orleans to Europe are the same as the rates from Montreal or New York. The barge line has established the same freight rate on grain from Minneapolis to New Orleans as the rate via the Lakes from Duluth to Montreal, or 14.8 cents per 100 pounds. It is quite clear that given an adequate fleet to handle the tonnage available this city will be restored to its primacy as the greatest primary grain market in America; and Minneapolis and St. Paul will continue to be the leading jobbing and manufacturing center of the Northwest.

Mr. COPELAND. Mr. President, I was called to the gallery to see a sick man—perhaps I am more important as a doctor than I am as a Senator—but I wanted to say this before the Senator from Missouri finished: He paid his compliments in set terms to the American Sugar Refining Co. I have not a word to say about that, but I took pains to call up New York to find out if Mr. Cochrane did represent the American Sugar Refining Co. I was assured he did not. The record is incomplete. Mr. Cochrane represented the National Sugar Refining Co., and the American Sugar Refining Co., referred to by the Senator, is here supporting his bill. Mr. Ripley represented the American Sugar Refining Co., which is the "trust," spoken of by the Senator. I quote from the testimony of Mr. Ripley this language:

> Being unable, because of the total insufficiency of the equipment available on the Mississippi River, to ship by the river, we were forced to ship by the rail lines at rail rates on the 50,000 tons which we sold delivered, costing us in actual expense, estimated as nearly as we can do it, the round sum of $100,000.
>
> The Mississippi barge line to-day, so far as our interest is concerned, is almost an irritant. In other words, it is a facility that is there. We can not take advantage of it as we should, because of the inadequacy of the equipment; and I am here to ask that you—

Appealing to the committee—

> view with favor the request of these gentlemen that the corporation's stock be increased to $15,000,000 in order that adequate equipment may be provided for the tonnage that is offered to you there.

In other words, the Senator is condemning me for my attitude toward the sugar refiners while at the same time he is supporting Mr. Ripley and the American Sugar Refining Co. He is assisting their efforts to cause the expenditure of millions of dollars of the peoples' money in order that the American Sugar Refining Co. may save a hundred thousand dollars a year.

Mr. REED of Missouri. Then let all I have said about the American Sugar Refining Co. be automatically transferred to the Federal Sugar Refining Co.

Mr. COPELAND. The National Refining Co.

Mr. REED of Missouri. Very well; to the National Sugar Refining Co.

Mr. COPELAND. We are not talking about the Federal or about the American or about the Arbuckle; we are talking about the National Sugar Refining Co.

Mr. REED of Missouri. And we are also talking about two other sugar refiners that appeared here. It makes no difference to me who the individual was, whether he may be called the representative of the trust or not. There were sugar interests here that were endeavoring to preserve a condition which denies to a large body of citizens competition; and what I have said about that class of people stands.

The Senator from New York has complained that he wanted a further hearing for the sugar people of New York. Who were the sugar people for whom he wanted a hearing?

Mr. COPELAND. Did I say the sugar people of New York?

Mr. REED of Missouri. Yes.

Mr. COPELAND. Did I not say also other interests of the port of New York?

Mr. REED of Missouri. The Senator said "sugar people"; that is all I heard. Who are those sugar people?

Mr. COPELAND. Very well; leave it at that, if the Senator wishes. But he is undertaking to help the sugar interests of the South, including the American Sugar Refining Co., because really the whole fight, pro and con, is largely a sugar fight.

Mr. REED of Missouri. Will the Senator answer my question as to what sugar interest in New York he wanted to have heard that was not heard?

Mr. COPELAND. I wanted to have the National and the Arbuckle both heard.

Mr. REED of Missouri. Very well; they are both opposed to this bill?

Mr. COPELAND. They are opposed to this bill.

Mr. REED of Missouri. I am not trying to attach any taint of sugar to the Senator. He is so sweet a creature, anyway——

Mr. COPELAND. Thanks.

Mr. REED of Missouri. That if he were saturated with sugar we would not know the difference. I do not mean anything of that kind. I say that for one interest to undertake to deprive the people of the country of the right to ship millions of tons of wheat, millions of tons of corn, millions of tons of potatoes, millions of tons of iron, and of other commodities upon the narrow ground that that interest will have a little more competition at some place is the height of absurdity and the last word in impudence.

Mr. BRUCE. Mr. President, I deny that, so far as I am concerned, I am influenced in taking the position which I take with reference to this bill by any trust or any trust official. So far as I am concerned, the Senator from New York [Mr. COPELAND] quite overstepped the mark when he said that the controversy raised by the bill is a controversy merely between southern sugar-refining companies and the other sugar-refining companies which were mentioned by the Senator from Missouri [Mr. REED]. Aside from my own individual convictions, when I antagonize the bill I speak as the mouthpiece of those great commercial bodies in the city of Baltimore, the Chamber of Commerce of Baltimore and the Association of Commerce. They have delegated to me in the clearest and most authoritative manner the right to protest against the passage of the bill as repugnant to those true principles of commercial equality which should govern different portions of this great country of ours, and therefore as repugnant to those political principles upon which our distinctive American institutions are based.

Not only do I speak for the Baltimore Chamber of Commerce and the Baltimore Association of Commerce, representing a vast city of between 800,000 and 900,000 people, but I speak for all those private transportation agencies, whatever be their names, whose ramifications extend from the region in which the State of Maryland happens to be situated to the regions which exist in close association with the Mississippi River-Warrior River barge line.

I disclaim, I repeat, the allegation—I will not say the imputation—that my course as respects this bill is shaped by trust influences in any form.

Mr. REED of Missouri. Mr. President, the Senator says "the allegation." There was neither the allegation nor the imputation.

Mr. BRUCE. Certainly, I know, in no offensive sense, because I know the Senator from Missouri is just as incapable of saying anything offensive to me as I am of saying anything offensive to him. He and I are the best of friends, and I trust always will be.

Mr. REED of Missouri. I know that the Senator's position is purely one of principle.

Mr. BRUCE. Of course, the Senator sees, if my statements are correct, that I speak for something more than mere sugar-refining companies. I speak for all the great business interests of the city of Baltimore, all of which are in one way or another reflected in the proceedings of the Baltimore Chamber of Commerce and the Baltimore Association of Commerce; and I speak for the great steam railroad transportation lines whose operations cover not only the territory in which Baltimore is situated but the territory immediately concerned in the operations of the Mississippi River and the Warrior River barge line.

My people have not the slightest objection to any region or any section of the United States enjoying the full benefit of all the natural advantages, whatever may be their nature, with which the bounty of divine Providence has chosen to endow them. We do not envy that great harbor upon which the imperial city of New York has been built up. We are not jealous of any of those great, populous, and opulent communities which have sprung up along the course of the Mississippi River, one of the greatest navigable streams in the whole world; nor are we jealous of the splendid economic advantages of one kind or another which the great open spaces of the West can claim. We are perfectly willing that every State in this Union shall have a primary claim upon all natural benefits, all natural advantages of every kind, with which they happen, without the artificial intervention of government, to be blessed; but the people whom I have the honor to represent are not willing that this great Government of ours, with its exhaustless Treasury, shall, by a barge line or any other sort of transportation line, or by its interposition in any form, disturb the natural balance of relative benefits and advantages enjoyed by the different parts of the United States.

It may be that the three sugar-refining trusts of which the Senator from Missouri speaks are, to use his highly figurative language, only three toads that have come out of the dead past; but I prefer something which has come out of the dead past, even though it might be slightly in a state of malodorous decomposition, to some inflated bullfrog distended by artificial favors fed to him from the opulent resources of the Federal Treasury.

This Mississippi-Warrior River barge line was, of course, but a child of the World War. It never would have attained birth but for the extraordinary conditions created by the World War. It was established in the first instance through the use of the fund of some $500,000,000 that was placed at the disposal of President Wilson for certain war purposes by Congress. As long as it was operated through the direct agency of the Government itself it was, like all such Government incursions into the field of private enterprise, a lamentable financial failure. Afterwards, of course, a Government corporation was created, and it took over the equipment of this line; and though its operations have not been so disastrous in a financial sense, yet the testimony in this case shows that at the most the transactions of that Government corporation have broken even, and that only because the Government is not charged with any interest on the enormous sum of money which it has lavished upon this artificial creation, amounting to some twenty-four or twenty-five million dollars. Of course there is nothing surprising about that.

Mr. REED of Missouri. Mr. President, will the Senator permit a question?

Mr. BRUCE. Yes; gladly.

Mr. REED of Missouri. Would not the Senator say that any new enterprise which started out and within 10 years, with wholly inadequate funds at its command, had reached a point where it was making profits upon the main line was, as estimated by the rule in private ventures, doing pretty well?

Mr. BRUCE. I should say it was doing tolerably well for a Government corporation, for, as a rule, we expect nothing but tragic financial disaster from the operations of a Government agency that takes over private business of any sort.

Mr. REED of Missouri. That has happened too often——

Mr. BRUCE. Yes; it has happened.

Mr. REED of Missouri. But it is not happening here.

Will the Senator let me ask him another question? I want to get his view; that is all. Does the Senator think that the Government is doing anything wrong if, for instance, it spends money in the building of a canal?

Mr. BRUCE. Is the Senator now speaking of the Panama Canal, or any ordinary canal?

Mr. REED of Missouri. Yes; and canals generally.

Mr. BRUCE. The Panama Canal, of course, was a matter not simply of continental moment; it was a matter of international moment. The building of the Panama Canal was an enterprise that the Government had to undertake, if for no other reason, because it was a thing which had to be undertaken really without reference, except in a purely secondary degree, to whether pecuniary gain or loss resulted from the building of the canal. I think the Panama Canal is in a category altogether to itself.

Mr. REED of Missouri. I do not agree with the Senator that the Government was obliged to build it; but I was not limiting my question to the Panama Canal, for I frankly admit

that there were many considerations there aside from the mere question of transportation.

Mr. BRUCE. I think that is unquestionably so.

Mr. REED of Missouri. I am speaking of canals generally. Does the Senator believe that it is a violation of any fundamental Democratic doctrine for the Government to build a canal?

Mr. BRUCE. I do not care to be drawn off into discussions that it seems to me are, to say the least, more or less of a collateral nature. I will limit myself to this barge line; and if the question of the Senator is intended to apply to that, I say that the Government is doing a most unjust, indeed, an utterly indefensible thing in operating that line for the benefit of a portion of the people of the United States at the expense of the region in which I happen to live and which I happen to represent.

Mr. REED of Missouri. But this is the thought I wanted to have the Senator discuss, if he cared to: If the Senator admits that the Government could properly build a canal, of course that canal would extend commerce. There is very little difference between building a canal and putting a boat on a canal that is built except the mere technique of operation. If the Senator denies that the Government has the right to build a canal, I ask, then, by what authority the Government removes obstructions from the Great Lakes and from the bays, and how the fact would be justified that a large appropriation was made for the purpose of deepening and improving the harbor of Baltimore?

Mr. BRUCE. I am glad the Senator asked me that question. Of course, I have no objection in the world to make to that, because river and harbor improvements, such as the Government is making every year, simply place the great waterways of the country in a condition to be utilized for purposes of competition between private individuals or private corporations.

Mr. REED of Missouri. But the minute you build a canal——

Mr. BRUCE. Is that answer satisfactory to the Senator? I think it must be.

Mr. REED of Missouri. The minute you build a canal you place it in competition with the railroads, you extend territory where it has not been extended, you affect the interest of cities and towns within a large territory, and every argument which applies against the river on that account applies to the canal. There is a distinction, and I want to be frank about this——

Mr. BRUCE. I prefer, as I said, not to be drawn off——

Mr. REED of Missouri. I am not trying to draw the Senator off.

Mr. BRUCE. To be drawn off into the general field of canal improvements and river improvements, or anything of that sort. I will say that if the Government were about to spend millions of dollars simply for the purpose of making the Mississippi River an even finer navigable highway than it is, or for the purpose of making the Black Warrior River a better water highway than it is, or for improving any of the tributaries of the Mississippi River, with a view to enabling all private water transportation companies to ply the waters of those streams more effectively than they have in the past, I should not have one word to say. I do not begrudge the millions of dollars that are spent upon the harbor of the city of New York, or the millions of dollars that are spent upon the other harbors upon the Atlantic and Pacific seaboards of the United States. I do not begrudge even the sums, though sometimes they are excessive, which are spent upon the interior rivers of the country or upon the Great Lakes of the country. Improvements of that kind do not interfere with the free play of individual or private corporate rivalry and competition.

If the appropriations involved in river and harbor acts are evenly and equitably distributed throughout the whole country, I have no ground of complaint. If I am not mistaken, at the last session of Congress the Senator was so successful as to obtain an appropriation of some $50,000,000 for the improvement of the Mississippi; was he not?

Mr. REED of Missouri. Oh, no.

Mr. BRUCE. What was it?

Mr. REED of Missouri. Fifty million dollars was appropriated last year for the rivers and harbors of the whole United States, of which the Mississippi River got a small part.

Mr. BRUCE. About $10,000,000, a Senator beside me says.

Mr. REED of Pennsylvania. The total appropriation was $55,000,000 for all the river and harbor work of the country.

Mr. BRUCE. Of that $55,000,000 appropriated at the last session of Congress the Senator from Missouri was instrumental, I will say, from what was brought to my attention at the time, in getting an appropriation of $10,000,000 for the improvement of the Mississippi River, and perhaps of the Missouri, too.

Mr. REED of Missouri. Just what was allotted.

Mr. BRUCE. I did not begrudge that to the Senator, or begrudge what was obtained by any other Member of the United States Senate for an improvement in his locality. That was not to be used for the operation of a Government corporation, which is nothing less than a menace to private competition throughout the land.

Mr. REED of Missouri. There were two questions involved, if the Senator will pardon me. The basic objection here is that a trade territory now enjoyed by certain interests will be invaded, and competition will be set up within that territory by reason of the act of the Government. The act of the Government is twofold.

First, it builds a canal or it improves a river or it improves a harbor and thus it increases the advantage of some particular locality and enables it to reach into territory that otherwise it could not reach, so that so far as that argument is concerned, it can be made against the building of a canal, against the deepening of a lake, against the improvement of a harbor. There remains the other question, which I think is the one that arouses the Senator's greatest opposition, and that is the private operation of the craft or vehicles which ply upon these improved streams or waters or roads.

I say to the Senator, for I want to be frank, that as to the general question of operation, which involves large business transactions, I think it is better, under all ordinary circumstances, to leave that in the hands of private individuals, but in this instance we know that unless the Government continues the operations upon the rivers until they are thoroughly established, they will be destroyed in a few months' time and go out of business, and a reduction in freight rates to that entire section of the country will cease. That is the distinguishing point.

Mr. BRUCE. I say that section of the United States, like every other section of the United States, should be left to the processes of its own internal development, aided by such capital as it may be able to obtain from the outside for purposes of that development.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield to me to make a report from the Committee on Military Affairs?

Mr. BRUCE. I yield.

Mr. REED of Pennsylvania. Mr. President, I report back favorably from the Committee on Military Affairs the bill (H. R. 14057) for the relief of Edmund F. Hubbard and ask for its immediate consideration.

Mr. JOHNSON. Is it a conference report the Senator is asking permission to present?

Mr. REED of Pennsylvania. No.

Mr. JOHNSON. I object.

The PRESIDING OFFICER. Objection is made, and the bill will go to the calendar.

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

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from New York?

Mr. BRUCE. I yield.

Mr. COPELAND. Mr. President, I want to ask unanimous consent to bring up the medical bill. The doctors and the chiropractors and the osteopaths are all in agreement to-day, and I am afraid that if we waste a couple of days they will fall out again. I ask unanimous consent that the Senate proceed to the immediate consideration of the bill (S. 3936) to regulate the practice of the healing art to protect the public health in the District of Columbia.

Mr. JOHNSON. I understand there is quite a contest over that bill, is there not?

Mr. COPELAND. I have an amendment which has been agreed to by everybody, and if it shall lead to debate I will withdraw it at once.

Mr. JOHNSON. If everyone has agreed to it, I shall not object.

Mr. REED of Missouri. I will make no objection immediately after the bill I am seeking to bring up is considered.

Mr. COPELAND. I may say to the Senator from Missouri that this bill is of no personal interest to me. It is for the welfare of the community.

Mr. REED of Missouri. I did not suppose it was of any personal interest to the Senator.

Mr. BRUCE. I hope the Senator will withhold his request.

Mr. REED of Missouri. If the bill can be passed without debate, I shall not object.

Mr. BRUCE. I will ask the Senator from New York to agree that if it leads to debate, he will withdraw it.

Mr. COPELAND. I ask that the bill be taken up, and that the amendments which were offered by the Senator from Maryland be withdrawn, and the amendment I send to the desk be substituted.

Mr. COUZENS. I ask that the bill be read.

The PRESIDING OFFICER. The Senator from New York asks that the amendments offered by the Senator from Maryland be withdrawn.

Mr. COUZENS. I ask that the bill be read.

The PRESIDING OFFICER. The bill has been read.

Mr. COUZENS. I do not know what the bill is about.

Mr. COPELAND. Mr. President, if the Senator insists on the bill being read——

Mr. COUZENS. If the bill is not read, I shall have to object to it.

Mr. MOSES. The Senator from Michigan is entitled to have the bill read.

Mr. COUZENS. Certainly.

Mr. BRUCE. Then it is impossible to proceed with its consideration.

Mr. COPELAND. If the Senator insists on having the bill read it is not worth while to go on with it, because it is too long to be read now. I withdraw my request.

The PRESIDING OFFICER. The request is withdrawn.

Mr. HALE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. HALE. Is there a motion now before the Senate?

The PRESIDING OFFICER. The motion of the Senator from Pennsylvania is before the Senate.

Mr. HALE. I would like to ask the Senator what he is going to do about that motion?

Mr. REED of Pennsylvania. The Senator from Maryland has the floor.

Mr. BRUCE. I really think that Senators ought not to ask me to yield any more. I think I have yielded about ten times.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from North Carolina?

Mr. BRUCE. I yield.

Mr. SIMMONS. I have not had the pleasure of hearing the Senator's discussion, but I understand that his opposition to this project is that it would give the territory covered by the present barge line an advantage over the eastern territory.

I want to say to the Senator that at my instance there is an amendment attached to the so-called Denison bill providing for a survey and report upon the feasibility and desirability of establishing a barge line through the inland waterways, operated by the Government, similar to that now in operation on the Mississippi and Warrior Rivers. The inland waterway extends, as practically completed now, from Boston to Beaufort, N. C., fully a thousand miles down the Atlantic coast.

Mr. BRUCE. I will ask the Senator from North Carolina if his amendment contemplates the idea, after that great waterway shall have been completed, of the Government operating a fleet of barges over it?

Mr. SIMMONS. Yes; similar to the one now operating on the Mississippi.

Mr. BRUCE. I am sorry to say that the Senator's amendment does not give me that impression.

Mr. SIMMONS. I may have misunderstood the Senator, but I supposed from what he said to me that his opposition is based upon the ground of a disadvantage to the Atlantic seaboard towns and cities.

Mr. BRUCE. Yes.

Mr. SIMMONS. I might tell him that the amendment which I have offered is proposed at the instance of General Ashburn, who has charge of the barge line on the Mississippi, has reference to the fact that we have established the same system of Government-owned barge lines on the waterway which runs right by the Senator's city of Baltimore, which runs by Philadelphia, which runs by New York, Boston, Norfolk, and all the cities along the seacoast, which would give the eastern cities and the Eastern States the same advantages with reference to freight which the barge line gives to the Mississippi Valley States.

Mr. BRUCE. I will say to the Senator that I have no objection to the construction of such a national waterway, but that I am opposed to the operation of a barge line by the Government on any internal waterway of the country. In other words, I am opposed to the Federal Government intruding into the domain of private business enterprise in any respect whatsoever. I am opposed to the Federal Government, either directly or through the agency of a Government corporation, operating a railroad line, or operating a steamship line, or operating a barge line, or operating an electric light or power plant, or operating a fertilizer plant, or engaging in any form of private business whatsoever in competition with its own citizens. If that statement is not sweeping enough I will try to enlarge its curvature, because on that subject I can not possibly express myself too strongly.

I must say, though I say it with sadness, that I am surprised that the Senator from Missouri [Mr. REED], whom I have always regarded as being such an orthodox Democrat, as being so true to the fundamental principles of our Government, should have been giving so much aid and comfort one way or the other recently to governmental operation of private business enterprises. He has never abandoned, I am glad to say, the cause of religious freedom, and I know that, whether he is President of the United States or not, he will never abandon the cause of personal liberty. But, as I see it, he has shifted his ground a little bit in relation to the protective tariff and Government operation of individual enterprises.

Mr. REED of Missouri. A protective tariff? Oh, no.

Mr. BRUCE. It was only the other night that the Senator was giving his powerful support to a debenture-forming device of the National Grange which, as I see it, would operate as nothing in the world but an export bounty.

Mr. REED of Missouri. If that had been passed it would have been a 14-inch shell right through the whole tariff scheme and torn it all down. That is one of the reasons why I offered it.

Mr. BRUCE. The Senator reaches that conclusion by a train of reasoning that I am bound to say, with my feeble powers, I have not myself been entirely able to reach.

Mr. SIMMONS. Mr. President, will the Senator yield again?

Mr. BRUCE. Certainly.

Mr. SIMMONS. Will the Senator let me say, if I do not trespass too much upon his patience, that if I had understood that his opposition was based on the ground of Government ownership I would not have made the remarks I did a little while ago. I supposed from what he said to me that his opposition was based upon the ground of the injustice of establishing this line in the West and not in the East. I wanted to show him that this amendment of mine, which was unanimously approved by the Committee on Commerce, would give to the East within eastern territory the same opportunity that the barge line now gives to the West.

Mr. BRUCE. I was very glad to have yielded to the Senator.

Now, as I see it, the Senator from Missouri [Mr. REED] is advocating a measure which certainly does violate, as I see them, the true relations which the Federal Government should sustain to individual initiative, energy, and enterprise in this country. What the people of Maryland object to is that all the tremendous resources of the Federal Treasury should be employed for promoting a scheme of internal waterways, the effect of which is bound artificially to build up, for a single illustration, the prosperity of the city of New Orleans, at the expense of the prosperity of the city of Norfolk, the city of Baltimore, the city of Philadelphia, the city of New York, to say nothing of the city of Boston. New Orleans is welcome to her superb place as a port of export on the majestic waters of the Mississippi River. She is welcome to all the business patronage of every sort which may flow into her trade coffers from that marvelous territory which lies upon the two sides of the Mississippi River.

But we in Maryland say, and I understand that the people of New York say the same thing, that the Government has no right to tip the scales of commercial competition between New Orleans and the Atlantic seaports north of New Orleans by investing, in the first instance, some $26,000,000 of the Federal taxpayers' money in a barge line that inures wholly to the pecuniary advantage of a single region or section of the United States by asking us to add to that the sum of $15,000,000 more, as is contemplated by his measure, and by further adding to it as time goes on an equally large sum.

How can any great port on the Atlantic seaboard hope to compete with other seaports along our coast if the Federal Government shall use, whenever it sees fit, its vast pecuniary resources to favor some particular region at the expense of the other regions of the country?

The barge line is objectionable for other reasons besides those I gave. It operates a dire interference with all citizens of the United States or private corporations of the United States which, but for Government competition, might be willing to undertake the task of operating steamboats or barges over these tributaries of the Mississippi River with which the measure of the Senator from Missouri proposes to deal.

It is very notable that the measure expressly excepts from its operations the Ohio River. Why should that tributary of the Mississippi be excepted from the wording of the measure? It is because, as I understand it, private enterprise has already

taken over, and successfully taken over, the business of furnishing transportation to shippers over the waters of the Ohio River. Who knows, if the Government were not operating this barge line, but what individuals or groups of individuals or private corporations would be only too glad to have the opportunity to establish steamboats and barge lines on the other tributaries in this particular region besides the Ohio River? But how could they hope to do that with any possibility of success if met by the blighting competition of the Federal Government, which a private individual or private corporation must, indeed, have extraordinary success to be able to withstand?

Everybody knows that when the Government undertakes to operate a given enterprise of any kind, it does it practically without regard to pecuniary consideration. It takes no account of interest on the original investment or, to be more specific, it takes no account of interest on such an investment amounting to some $26,000,000 as that which the Federal Government has already made in this particular barge line. It takes no account of depreciation. It proceeds on no strict principles of bookkeeping. If there is a grave deficit in the operations of a private individual or a private corporation engaged in business, that often means the financial ruin of that individual or that corporation. Deficits do not spell the financial ruin of the Federal Government. If a deficit is incurred in the progress of one of its business enterprises, all the Government has to do is to give another twist to what Carlyle calls in one of his books "the spigot of taxation," and the deficit is met, and the Government enterprise goes on in its course until another deficit, and another deficit, and another deficit has to be met in the same way.

Mr. McKELLAR. Mr. President, will the Senator from Maryland yield to me for just a moment?

Mr. BRUCE. I yield.

Mr. McKELLAR. I merely wish to state to the Senator that there are three units engaged in this barge-line business. The lower Mississippi unit—that is, the service from St. Louis to New Orleans——

Mr. BRUCE. Which is supposed to be profitable.

Mr. McKELLAR. It has been profitable from the beginning; it has always made money. It is the new service that is not making money. For a long time the Warrior River service did not make money; but the Mississippi River service from St. Louis to New Orleans has constantly made money and proved to be a profitable venture.

Mr. BRUCE. Yes; and the system as a whole, the three parts, the lower Mississippi, and the section of the enterprises in the upper Mississippi, and the Black Warrior, taken together, break even at the most, without any interest on the $26,000,000 which was invested in the enterprise being taken into account.

Mr. President, I will discontinue my remarks at this time, but I have not yet entirely concluded what I have to say, and I reserve the privilege of resuming when the Senate shall again meet.

EMPLOYMENT OF ENGINEERS ON RECLAMATION WORK

Mr. PHIPPS. Mr. President, I ask unanimous consent for the immediate consideration of the bill (S. 4528) authorizing the Secretary of the Interior to employ engineers and economists for consultation purposes on important reclamation work. The bill is on the calendar.

The PRESIDING OFFICER. Is there objection?

Mr. KING. May I ask the Senator whether there is any limitation upon the cost?

Mr. PHIPPS. It merely allows them to employ, at a rate not to exceed $50 a day, not more than three engineers, geologists, or specialists, on a project at one time, and no man shall receive more than $3,500 a year for special services. It is practically a unanimous report by the committee.

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

Be it enacted, etc., That the Secretary of the Interior is authorized, in his judgment and discretion, to employ for consultation purposes on important reclamation work not to exceed three consulting engineers, geologists, and economists, on any one project, at rates of compensation to be fixed by him, but not to exceed $50 per day for any engineer, geologist, or economist so employed: *Provided*, That the total compensation paid to any engineer, geologist, or economist during any fiscal year shall not exceed $3,500: *Provided further*, That notwithstanding the provisions of any other act, retired officers of the Army or Navy may be employed by the Secretary of the Interior as consulting engineers in accordance with the provisions of this act.

SEC. 2. The joint resolution approved June 28, 1926, authorizing the Secretary of the Interior to employ engineers for consultation in connection with the construction of dams for irrigation purposes, is hereby repealed.

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

WADE ALLEN AND ED JOHNSON

Mr. GEORGE. Mr. President, I understand there has just been reported from the Committee on Claims a private claims bill, which will lead to no debate. It is the bill (H. R. 7378) for the relief of Wade Allen and Ed Johnson. I ask for the immediate consideration of the bill.

The PRESIDING OFFICER (Mr. ODDIE in the chair). Is there objection?

Mr. MOSES. Let it be reported.

The PRESIDING OFFICER. The clerk will read.

The bill was read and considered as in Committee of the Whole, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, in full settlement against the Government, the sum of $204.59 to Wade Allen and Ed Johnson, of Fannin County, Ga., which sum represents the loss sustained by said Wade Allen and Ed Johnson on the bail bond of Homer Nelson, who was afterwards captured and returned to the United States officers by the said Wade Allen and Ed Johnson; the record of said estreatment of bond and the payment of said sum of money on May 26, 1925, are shown in report of the clerk of the United States Court for the Northern District of Georgia.

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

EDMUND F. HUBBARD

Mr. REED of Pennsylvania. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 14057) for the relief of Edmund F. Hubbard.

The PRESIDING OFFICER. Is there objection?

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

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to summon Edmund F. Hubbard, late captain of Infantry of the Regular Army of the United States, before a retiring board for the purpose of a hearing of his case and conducting such physical examinations as to the said board may seem proper and to inquire into and determine all the facts touching on the nature of his disabilities and to find and report the disabilities which in its judgment has produced his incapacity and whether his disabilities are an incident of service; that upon the findings of such a board the President is further authorized, in his discretion, either to confirm the order by which the said Edmund F. Hubbard was discharged or, in his discretion, to nominate and appoint, by and with the advice and consent of the Senate, the said Edmund F. Hubbard a captain of Infantry and place him immediately thereafter upon the retired list of the Army, with the same privileges and retired pay as are now or may hereafter be provided by law or regulation for the officers of the Regular Army: *Provided*, That the said Edmund F. Hubbard shall not be entitled to any back pay or allowances by the passage of this act.

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

RECLAMATION OF KOOTENAI INDIAN ALLOTMENTS IN IDAHO

Mr. BORAH. From the Committee on Indian Affairs, I report back favorably without amendment the bill (H. R. 11468) authorizing the Secretary of the Interior to execute an agreement or agreements with drainage district or districts providing for drainage and reclamation of Kootenai Indian allotments in Idaho within the exterior boundaries of such district or districts that may be benefited by the drainage and reclamation work, and for other purposes. The bill has the indorsement of the entire committee, and I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

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

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to enter into an agreement with drainage districts now formed or to be formed in pursuance to the drainage laws of the State of Idaho providing for the drainage and reclamation of Kootenai Indian allotments situated within the exterior boundaries of any of such districts after he shall have first determined the plans submitted by such districts or districts of the work to be accomplished that shall benefit the Indian allotments. The share of the cost that may be apportioned shall not exceed $114,000 for the total acreage of Indian

lands approximating 2,436 acres, and said sum, or so much thereof as may be required to pay the Indians' share of the cost of the work, shall be payable in not less than 20 annual installments, payments to begin on the same date that payments are to begin for lands other than Indian that are within the respective irrigation districts, and such payments shall be made without interest: *Provided*, That should at any time it appear to the said Secretary that construction work is not being carried out in accordance with the plans submitted to him by any of the districts with which contract may have been executed as herein provided for, he shall notify the district of its delinquency and advise that payments will not be made under the contract until such work shall have been done in accordance with the said plans: *Provided further*, That in determining the share of the cost of such work to be paid on behalf of the Indian lands to the district within which such lands are situated, there shall be taken into consideration any deductions that may not properly be apportioned against the Indian lands, and in no event shall the Indian lands bear a share of the cost in excess of the ratio their acreage benefited bears to the total lands benefited within any such district, the total Indian acreage to be benefited to be definitely determined by the said Secretary of the Interior: *Provided further*, That the amount herein authorized to be appropriated to cover the share of the cost of the work on behalf of the Indian lands shall be reimbursed to the United States from the proceeds of leases covering the Indian lands benefited by the drainage work, and said Secretary is hereby authorized to lease such lands not actually being cultivated by the Indians themselves for agricultural purposes for periods not in excess of 10 years, and the proceeds derived therefrom shall be used for payment of the cost of said work and the balance placed in the Treasury to the credit of the Indians to bear interest at the rate of 4 per cent per annum: *Provided further*, That there is hereby created against such lands a first lien, which lien shall not be enforced during the period that the title to such lands remains in the Indians but that in case of sale of any such lands said lands shall be sold subject to the first lien herein created: *Provided further*, That said Secretary of the Interior, through the Commissioner of Indian Affairs, or his duly authorized agent, shall be recognized by any district with which contract shall be entered into in accordance with the provisions of this act in all matters pertaining to its operation in the same ratio that the Indian lands bear to the total area of lands within the district, and that the district books and records shall be available at all times for inspection of by said representative: *Provided, however*, That said Indian lands shall not be subject to the provisions of any district laws until such time as the Indian title in and to any such lands shall become extinct, nor shall they be subject to operation and maintenance charges during the period that such lands remain in Indian ownership.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

LARRY CARDWELL

Mr. TYDINGS. From the Committee on Naval Affairs I report back favorably without amendment the bill (H. R. 6263) for the reinstatement of Larry Cardwell in the United States Naval Academy. I ask unanimous consent for its immediate consideration. I do not think it will involve any discussion, and if it shall do so I will withdraw the request. I can explain the bill in a moment.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. CURTIS. I want to know whether or not it is recommended by the department.

Mr. TYDINGS. Mr. President, if I may be allowed two minutes I can explain the bill. There was a midshipman at the Naval Academy who came up from the enlisted service. At inspection one day, his uniform not being pressed, he put on the uniform of his companion and went to inspection. Under the rules of the academy any midshipman wearing the uniform of another must be expelled. The Secretary of the Navy went into the matter and found that there was no moral turpitude involved, and admits freely that he would recommend this young man for entrance into any educational institution. It is only because if the bill shall not be passed at this session the young man will lose the opportunity of being admitted next year that I ask for the immediate consideration of the bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration, and it was read, as follows:

Be it enacted, etc., That the Secretary of the Navy is authorized and directed to reinstate Larry Cardwell in the United States Naval Academy, of which he was a midshipman at the time of his discharge on November 19, 1926; the said Larry Cardwell to become a member of the class of 1930 on the date of reinstatement, and to be accorded all rights, privileges, and benefits to which he would have been entitled had he not been so discharged.

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

KANSAS CITY JOINT STOCK LAND BANK

Mr. BLEASE. I ask the clerk to read a short dispatch appearing in the Washington Post of May 25 and ask, after reading, that it may be referred to "Marse" Andy Mellon.

The PRESIDING OFFICER (Mr. EDGE in the chair). Without objection, the clerk will read, as requested.

The Chief Clerk read as follows:

[Washington Post, May 25, 1928]

HEAD OF LAND BANK AND AID CONVICTED

KANSAS CITY, May 24.—Walter Cravens, former president of the Kansas City Joint Stock Land Bank, and Miss Alice B. Todd, former secretary, to-day were found guilty by a jury in Federal court here of misapplication of funds and false entry.

They were convicted on each of the 88 counts contained in the indictment against them. The jury had been out since yesterday.

The conviction carries a maximum penalty of $5,000 fine or five years in the penitentiary, or both.

Mr. BLEASE. Mr. President, we have heard so much from Mr. Mellon about nothing being wrong with the Federal land banks that I want to call that item to his attention. I am sorry that juries are convicting innocent people.

ADDITIONAL ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that this day, May 26, 1928, that committee presented to the President of the United States the following enrolled bills and joint resolutions:

S. 162. An act for the relief of William M. Sherman;

S. 342. An act for the relief of George B. Booker Co.;

S. 362. An act to provide for the advancement on the retired list of the Navy of Lloyd Lafot;

S. 379. An act for the relief of William R. Boyce & Son;

S. 445. An act for the relief of the Florida East Coast Car Ferry Co.;

S. 456. An act to carry out the findings of the Court of Claims in the case of Edward I. Gallagher, of New York, administrator of the estate of Charles Gallagher, deceased;

S. 1217. An act for the relief of Albert Wood;

S. 1646. An act for the relief of James M. E. Brown;

S. 1955. An act for the relief of Lieut. Charles Thomas Wooten, United States Navy;

S. 2227. An act for the relief of F. L. Campbell;

S. 2306. An act for the relief of William E. Thackrey;

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

S. 2586. An act for the relief of the owner of the Coast Transit Division barge *No. 4;*

S. 2733. An act to amend the military record of Joseph Cunningham;

S. 3308. An act to confer jurisdiction on the Court of Claims to hear and determine the facts in the claim of John L. Alcock;

S. 3338. An act authorizing the sale of certain lands on Petit Jean Mountain, near Morrilton, Ark., for use by the Young Men's Christian Association of Arkansas;

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

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

S. J. Res. 46. Joint resolution 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; and

S. J. Res. 120. Joint resolution authorizing the Secretary of War to lease to the New Orleans Association of Commerce, New Orleans Quartermaster Intermediate Depot Unit No. 2.

JOHN W. STOCKETT

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 2319) for the relief of John W. Stockett.

Mr. HOWELL. I move that the Senate disagree to the amendments of the House, request a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice President appointed Mr. HOWELL, Mr. CAPPER, and Mr. BAYARD conferees on the part of the Senate.

SERVICE OF SENATOR BRUCE IN THE SENATE

Mr. TYDINGS. I ask unanimous consent to have printed in the RECORD two communications recently published in the Baltimore Sun relative to the service of my colleague in this body.

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

LETTER NO. 1

Now that I have been nominated to the Senate, I might well ask, I think, what reason there is to believe that my worthy opponent, ex-Governor Goldsborough, would take any better care, as a Senator, of the business interests of Baltimore and the State of Maryland than I have done. Not only have I stood out against the threat of Government competition with the private electric light and power industry, no mean industry in Maryland, which lurks in the Boulder Dam project, and the threat of similar competition with the private fertilizer industry, an industry of extraordinary importance in Maryland, which lurks in the Muscle Shoals project; but I have neglected no opportunity to protect or to further the general business or material interests of my constituents in any respect. I have given my unstinted support, as a rule, to all the leading features of the general plan of internal revenue taxation which has come to be popularly known as the Mellon tax plan, but which Mr. Mellon himself has been generous enough to credit to his Democratic predecessors in the office of Secretary of the Treasury, David F. Houston and CARTER GLASS. I have never failed, when my aid has been solicited by any Maryland industry, manufacturing or agricultural, on account of destructive foreign rivalry, earnestly to urge an investigation by the Tariff Commission into the difference between costs of production abroad and costs of production in the United States, with a view to the relief that the President is authorized to give, under such circumstances, by the flexible clause of the present tariff act. This I did in the case of the sorely imperiled straw-hat industry of Baltimore, one of its most important industries, in the case of the canned-tomato industry of the Eastern Shore of Maryland, a matter of the utmost importance to its welfare; in the case of the glass industry of western Maryland and Baltimore; and in the case of the raw tomato production of southern Maryland and other parts of Maryland.

I might add that the special Senate tariff investigation committee, of which Senator ROBINSON of Arkansas and myself are the Democratic members and Senators REED of Pennsylvania and LA FOLLETTE of Wisconsin, the Republican members, is about to render a report, adopting my suggestion that the flexible clause of the present tariff act be repealed and that the members of the Tariff Commission be given, so far as possible, a position of aloofness and dignity, like that of the Interstate Commerce Commission, and, subject to proper administrative standards of discretion, be fully empowered to recommend tariff duties; to become effective upon ratification by Congress. Manifestly, the conclusions of such a commission, deliberately formed with the aid of a special staff of experts after formal hearings, would be attended by a presumption of reasonableness that Congress would be slow to ignore, no matter to what degree of pressure it might be subjected by eager applicants for tariff favors. While sharing the objections of President Coolidge to the McNary-Haugen bill on constitutional and other grounds, I have given my support to other measures of agricultural relief proposed in Congress, such as those carrying large appropriations for aggressive warfare on the corn borer and the pink boll weevil, and the Hoch-Smith Act, which allows the Interstate Commerce Commission considerable leeway in fixing railroad rates on agricultural products. I have also secured the passage by the Senate of a bill empowering the Secretary of Agriculture to investigate the practicability of crop insurance. The 465 farmers in Prince George's and Montgomery Counties, who supply Washington with fresh farm and garden produce, will cheerfully testify, I am sure, to the tireless assiduity with which I, as well as Senator TYDINGS, have combated the effort to select a site for the new farmer's market in Washington, which would work the gravest injury to their interests; and the people of those two counties will, also, I am certain, gladly certify to the value of the services that I rendered them in helping to secure, in the teeth of no little opposition, the necessary appropriations for the improvement of the road leading out of Washington to Suitland in Prince George's County; and for the extension of Sixteenth Street, in Washington, to the Montgomery County line; to say nothing of the partial success that I have had in obtaining the approval of Congress to the extension of Fourteenth Street, through the Walter Reed Hospital Reservation, and beyond to the Montgomery County line.

All of these things are things of marked significance to the rural residents of Prince Georges and Montgomery Counties, respectively, as is the effective opposition which Senator TYDINGS and I have been so far able successfully to assert to the recent proposal to withdraw from the children of Virginia and Maryland parents living in the vicinage of Washington the public-school privileges which they have heretofore enjoyed. I have also, while earnestly supporting the Parker-Watson bill, which has apparently brought railroad strikes to an end, under conditions satisfactory both to the railroad companies and their men, antagonized every proposition of the so-called progressive members of the Interstate Commerce Commission, tending to impair the present salutary jurisdiction of the Interstate Commerce Commission, and the constructive and healing provisions of the transportation act of 1920; such as the abridgment of the powers now exercised by the Interstate Commerce Commission under the long-and-short-haul clause of the interstate commerce act and the repeal of the so-called guaranty provisions of section 15a of the same act. I might also call attention to the fact that I added all the force that I could to the resistance set up by the city of Baltimore and the Baltimore Association of Commerce to the attempt of the city of Boston to deprive Baltimore of its port differential, as well as to the fact that twice after the House of Representatives had rejected appropriations for the removal of the high explosives at the Curtis Bay Ordnance Depot I succeeded in having them inserted in appropriation bills by the Senate Committee on Appropriations, with the result that a compromise expedient was at last reached between the Senate and the House which promises to bring to an end the frightful menace to life and property in Baltimore which those explosives involved. Mr. Pouder, the active head of the export and import bureau of the Baltimore Association of Commerce, has been so kind as to bear public testimony to the help that I have striven to give to the efforts of our Maryland Representatives in the House to secure better anchorage facilities for the port of Baltimore. I might also cite my success in securing the passage by the Senate of a bill which seeks to obtain for the Merchants and Miners Transportation Co., whose fleet was taken over by the Government during the World War, the large sum of money to which it is equitably entitled under the guaranty provisions of the transportation act of 1920.

The District of Columbia, after all, is but a rib taken, like another Eve, from Maryland's side, and every increase in the growth and splendor of Washington is distinctly reflected in the growth of those parts of Maryland which lie adjacent to it. It is due to my initiative that the sum of $75,000,000, which is to be expended in the erection of imposing public buildings in Washington, is practically all to be expended south of Pennsylvania Avenue, in accordance, so far as practicable, with the original plan of Washington designed by the famous engineer, Pierre l'Enfant; and it is also due to my initiative that the proposed Union Station Plaza in Washington is to efface several blocks of the ramshackle buildings which now disfigure the north side of Pennsylvania Avenue west of the Capitol Grounds. The motives which impelled me to give the first impulse to the improvement and embellishment of Washington in these directions are to be found in my hope that ultimately the Government will acquire the greater part at least of all the property on the north side of Pennsylvania Avenue as far west as the Treasury Building square and make the vast area which it would then own south of Union Station, the Washington Post Office Building, and the rear of the blocks on the north side of Pennsylvania Avenue and west of the Capitol Grounds, and which would stretch all the way between the northern boundaries of that area and the left bank of the Potomac to the Arlington Memorial Bridge and the White House Grounds, the seat of the most extensive and superb assemblage of public edifices in the world. When my record in relation to all these matters of grave business or economic moment is connected up with the insight that I obtained into the business needs of Baltimore and the State of Maryland during my five years of service on the board of estimates and the board of awards of Baltimore, and during my 12 years of service as general counsel of the public service commission, I flatter myself that, whatever just cause for dissatisfaction with me as a Senator any other voting element in Maryland may have, its business element has none.

WM. CABELL BRUCE.

LETTER NO. 2

Of all the political principles which have most powerfully stirred the heart and molded the convictions of modern society none have commanded such fervid and steadfast allegiance as the principles of personal liberty and religious freedom. Both are supposed to be sedulously safeguarded in our land by constitutional restraints, but the first, in my opinion, has been deeply and disastrously violated by the eighteenth amendment to the Federal Constitution and the national prohibition law, and the second, in my opinion, has been disgracefully dishonored by the wave of sectarian bigotry which has recently passed over certain States of our country. To these beliefs I have over and over again given unfaltering expression since I have been a Senator, and there is not the slightest likelihood of my ever recanting or modifying them. Indeed, I take this occasion to say to the voters of Maryland that if I shall be reelected I will avail myself of the very first opportunity that I may have to reassert them. I flatter myself that the unceasing agitation which I have kept up in the Senate against prohibition has helped, at least, to render the nomination of a "dry" presidential candidate or the adoption of a "dry" national platform by the next national Democratic convention improbable; and I have reason to believe that my denunciation of sectarian bigotry has had some effect in hastening the end of the second "Know Nothing" episode in our political history. Personally, I am one of the most temperate of men; I have no patience at all with excess in drink, however moderate, and I am inflexibly opposed to the return of the old saloon; but I am equally opposed to prohibition, whether actually prohibitory or not. If it actually prohibits, it violates a natural instinct, which can be gratified by me and millions of other men with nothing but a quickened sense of genial social fellowship and a perfectly legitimate measure of increased enjoyment and happiness. If this instinct tends to license, that is no more than can be said of every human appetite or passion whatsoever, otherwise it would not have been necessary for God to have implanted in us a conscience and a sense of social decency; but He has done so, and with their aid all of us should be able to keep our inordi-

nate desires in check, except such of us as are too weak of character to be regulated by anything but legal penalties; and that is a class of human beings which will always exist, prohibition or no prohibition.

On the other hand, if prohibition does not prohibit, it is attended, in addition to the ordinary abuses of drunkenness, by other abuses even greater than they, such as general disrespect for law, insidious and widespread corruption in the public service, and the perpetration of murderous outrages by both the prohibition agent and the bootlegger. The shocking epidemic of crime, which has recently made Chicago a name of reproach is attributed by the police authorities of that city primarily to prohibition. Its temptations have proved so debasing to the prohibition administrators and agents charged with its enforcement that the United States Civil Service Commission has found it necessary to call for the fingerprints of applicants for the position of prohibition agent. In April, 1926, General Andrews, the head of the Probition Unit, testified that no less than 875 of its members had been dismissed for violations of the Volstead Act and other offenses, and since that time seven hundred more have been dismissed by General Andrews' successor, Mr. Lowman, who is reported to have humorously complained that his arm had become fatigued with inditing removals. Many more prohibition officers, of course, have been allowed to anticipate dismissal by resignation, or have escaped detection altogether. Almost every day the newspaper press carries some fresh scandal, some new deed of violence, begotten by the practical workings of tyrannical laws which can not be enforced, because, if the dictates of the human reason and the healthy promptings of human nature had been heeded, they would never have been passed. For some years the Moderation League, an association officered by some of the most upright and distinguished citizens of the United States, has rendered an annual report, showing the number of arrests for drunkenness in upwards of 500 of its cities and towns during the preceding year. With each report the total mounts to a higher level than that of the year before. At intervals, the Metropolitan Life Insurance Co., which has 17,000,000 industrial policyholders, has published the rate of death among these policyholders, and it has risen to a truly alarming extent since the enactment of the Volstead Act. Of course, arrests from drunkenness and deaths from alcoholism can not increase from year to year without an increase in all the morbid sequels that flow from the immoderate use of strong drink. It was stated by the Baltimore health department in the early part of this year that during 11½ months of 1927 there were 122 deaths from alcoholism in Baltimore, as against only four in the year 1920. It was stated a day or so ago in the Baltimore Sun that arrests for drunkenness in Baltimore during the first four months of the present year exceeded by 159 arrests the total for the same offense during the same months last year, and of the whole number, 1,812 persons, 147 were women. The two Federal judges that sit in Maryland, rigorous as they are, the corps of informers and raiders that the prohibition administrator for Maryland, Mr. Herbert, maintains, active though they be, seem to be as powerless to keep down the bootlegger in Baltimore as the daily use of a razor is to eradicate a vigorous beard. The same thing is true elsewhere. We have lately been told that the bootlegging industry in the city of Detroit is, in point of economic importance, second only to the vast automobile industry of that city.

A Senator from one of the "dry" Southern States told me a few days ago that on a recent return from his home a Pullman-car conductor had told him that during a school holiday a number of coaches had been chartered to take several hundred girls to their homes from a well-known female seminary in one of the Southern States, and that in those coaches, when vacated, the porters had collected scores of empty half-pint liquor flasks. Smarting under the popular opprobrium which their office brings them, prohibition agents have handled their pistols so recklessly on our highways that Doctor Doran, the Prohibition Commissioner, was compelled about a week ago again to take censorious cognizance of the fact. A deadly lure to the adventurous spirit of the young of both sexes, the breeder of general lawlessness, a training school for maturing criminals of all sorts, the nursing mother of bribery, the fomenter of bloodshed, the patron of espionage, perfidy, and hypocrisy, the desecrator of the pulpit, a standing menace in its semiclerical and semipolitical agency, the Anti-Saloon League, to the freedom of elections and legislative independence. Prohibition has long passed from the province of experimentation, in which Mr. Hoover has lately placed it, to that of tragic unenforceability and utterly discredited moral pretentions. By what procedure should this thing be brought to an end? My plan, specifically, as I have often stated, is to modify the Volstead Act in such a manner as forthwith to allow the use of beer with an alcoholic content that would not violate the inhibitions of the eighteenth amendment against intoxicating beverages, so long as the amendment remained in force, and to modify the eighteenth amendment in such a manner as to empower Congress to legalize the use of spirits, wine, beer, and other malt beverages under some mixed system of Government supervision and local option akin to that which has for some years been administered with such brilliant results in the Province of Quebec. Under the Quebec plan of liquor control the liquor trade is conducted by five commissioners in the name and for the benefit of the Quebec government. Spirits can be bought only in limited quantities and only between certain hours and only from government stores, and when bought can not be drunk on the premises. Wines are sold without limitation as to quantity from the same government stores as spirits and also from a few government stores conducted exclusively for the sale of wines. A number of hotels and residences besides are licensed to sell wine to their guests at meals, and brewers are allowed to sell beer to grocery stores, hotels, restaurants, taverns, and clubs licensed by the commission for the retail of beer. The right of local option is jealously preserved. Any municipality in the Province of Quebec may, by the action of the majority of its voters, express its wish to remain or to become dry. Not only the fiscal but the moral results of this system have been most gratifying. One of its effects has been to diminish the consumption of spirits by promoting the consumption of wine and other mild beverages and to vindicate the views expressed by Jefferson with respect to drink: "No nation is drunken where wine is cheap and none sober where the dearness of wine substitutes ardent spirits as the common beverage. It is, in truth, the only antidote to the bane of whisky. Its extended use will carry health and comfort to a much enlarged circle." Another effect of the Quebec system of liquor control has been to cut down to a remarkable extent the number of arrests for drunkenness. The main respects in which government management of the liquor trade is preferable to private hardly need be stated. It is not solicited by the same degree of eager cupidity to sell to the minor or to the drunkard who has already drunk enough or to sell on Sunday or after legal hours on secular days, or to sell lawlessly in any particular; and any abuses of which it may be guilty are far more readily detected, brought to book, and redressed than if practiced by private individuals. I have already introduced into the Senate a bill submitting to the State legislatures of the Union an amendment to the Federal Constitution providing for the amendment of the eighteenth amendment in the manner just suggested by me. If this amendment takes effect, we would not have the prohibition that we have never had, for that is all that we would lose; but we would, I firmly believe, be on the way to a much better thing than prohibition, namely, temperance. At the same time, however, any town or county in Maryland could, by the action of the majority of its voters, express its wish to remain or become "dry."

WM. CABELL BRUCE.

DEFENSE OF THE SOUTH BY NORTHERN DEMOCRATS

Mr. TYDINGS. Mr. President, I ask unanimous consent to have inserted in the RECORD certain articles published in the Houston Post-Dispatch of April 16, 23, and 30, 1928, entitled "Defense of the South by northern Democrats."

Mr. HEFLIN. Mr. President, what is the nature of the newspaper articles the Senator from Maryland desires printed in the RECORD?

Mr. TYDINGS. They are some comments on the trial of Jefferson Davis of a very friendly nature to the South.

Mr. HEFLIN. They will probably be good literature.

Mr. TYDINGS. They are.

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

DEFENSE OF THE SOUTH BY NORTHERN DEMOCRATS, AS PORTRAYED IN THE TRIAL OF JEFFERSON DAVIS, 1865–1868

By Chesley W. Jurney, of Texas

[Mr. Jurney is secretary to Senator ROYAL S. COPELAND, of New York, and was for 20 years secretary to Senator Charles A. Culberson, of Texas.]

PART I

APPOMATTOX

In the spring of 1865 the States and armies of the Southern Confederacy yield to the overwhelming numbers of their adversaries and the failure of their own resources.

The result was the surrender of a people whose constancy and whose heroic struggle had won the applause and admiration of the world, and will in the far future be a common boast of every American citizen.

Of the States which thus yielded to fate President Jefferson Davis had been the representative and executive head. When the armies which had maintained his government were successively dissolved he was left defenseless.

He was nearly 60 years of age, in feeble health, and much worn with the mighty cares and anxieties which had rested upon him for four years.

On the 16th of April, 1865, as soon as he found that Johnston must surrrender, he started west with resolute will from Greensboro, N. C., with his family, staff, and some of his cabinet.

His party was too large for the success of such a trip. He was tracked easily by Federal troopers, who, scattered over the States through which he must go, were on the lookout for him, with what intent may be inferred from an order issued by command of Gen. R. H. G. Minty. The order says:

"You will have every port and ferry on the Ocmulgee and Altamaha Rivers, from Hawkinsville to the Choopee River, well guarded,

and make every effort to capture or kill Jefferson Davis, the rebel ex-president, who is supposed to be endeavoring to cross the Ocmulgee south of Macon."

CHARGED WITH INCITING THE ASSASSINATION OF MR. LINCOLN

On the 8th of May Bvt. Maj. Gen. J. H. Wilson wrote General Upton:

"The President of the United States has issued his proclamation announcing that the Bureau of Military Justice has reported upon indisputable evidence that Jefferson Davis, Clement C. Clay (and others) incited and concerted the assassination of Mr. Lincoln. He, therefore, offers for the arrest of Davis, Clay (and others) $100,000 each."

General Wilson also wrote General Steedman:

"Everything is on the lookout for J. D. His Cavalry is dissolved and he is a fugitive, but in what direction is not known."

CAPTURED

On the 11th of May, 1865, Lieut. Col. B. D. Pritchard, commanding the Fourth Michigan Cavalry, reported that at daylight on the 10th, at Irwinville, Ga., about 75 miles from Macon, he had captured Mr. Davis with his family, his wife's sister and brother, Mr. Reagan, his Postmaster General, Mr. Burton N. Harrison, his private secretary, Col. William Preston Johnston, and Colonel Lubbock, of his staff, and Lieutenant Hathaway, together with five wagons and three ambulances.

REACHED FORTRESS MONROE

On the 19th of May the steamer *Clyde* reached Fortress Monroe, having aboard Mr. Davis and family and party.

Stephens and Reagan were sent to Fort Warren; Wheeler and staff, Johnston and Lubbock to Fort Delaware, and Harrison to Washington, while the women and children were sent back south.

Mr. Stanton sent the Assistant Secretary of War to the fort to supervise the details of the incarceration of the two prisoners, Davis and Clay.

AUTHORIZED IRONS

While still at the fort, the Assistant Secretary, Mr. Dana, wrote in the name of the Secretary of War:

"Brevet Major General Miles is hereby authorized and directed to place manacles and fetters upon the hands and feet of Jefferson Davis and Clement C. Clay whenever he may deem it advisable in order to render their imprisonment more secure."

IRONS USED

Under this permit General Miles, on the 24th day of May, wrote to Dana: "Yesterday I directed that irons be put on Davis's ankles, which he violently resisted, but became more quiet afterwards."

The fact that a State prisoner, who had been the chosen head of an empire, had been put in irons excited sympathy and indignation instead of applause. Hence, on May 28 Secretary of War Stanton telegraphed Miles from Washington:

"Please report whether irons have or have not been placed on Jefferson Davis * * *. If they have been, when it was done and for what reason, and remove them."

ALLOWED TO SEE NO ONE

Mr. Davis, having been safely incarcerated, was allowed to see no one, to write to no one, and to talk to no one.

ONE RAY OF LIGHT

Amidst the earlier and darker days of his confinement, one ray of light and hope reached the distinguished prisoner—and that, it is pleasant to know, came from the then acknowledged head of our profession in the United States. On the 2d of June, 1865, Mr. Charles O'Conor, of New York (a Catholic), wrote to Mr. Davis, as follows:

"Gentlemen who have no personal acquaintance with yourself, and who never had any connection by birth, residence, or otherwise with any of the Southern States, have requested me to volunteer as counsel for the defense, in case you should be arraigned upon an indictment which has been announced in the newspapers. No less in conformity with my own sense of propriety than in compliance with their wishes, I beg leave to tender my services accordingly. I will be happy to attend, at any time and place that you may indicate, in order to confer with yourself and others in relation to the defense. The Department of War having given its assent to the transmission of this open letter through the proper military authorities, I infer that if my professional aid be accepted, you will have full permission to confer with me in writing and orally at personal interviews, as you may judge to be necessary or desirable."

LETTER REACHED MR. DAVIS

This letter was in due course of official meandering delivered to Mr. Davis, whose natural impulse was, of course, at once to answer it. Then arose in General Miles's mind a serious question as to the quo modo of the response. Mr. Davis had no paper on which to write, no pen, no ink. The crisis was grave. The Government at Washington had permitted a letter from a very distinguished and very loyal lawyer to be delivered to Mr. Davis. Was the inference to be drawn from the fact that the prisoner was to reply? If so, how? The question was too momentous for our major general to decide; the responsibility too great. He asked that light be given him thus:

FORTRESS MONROE, VA., *June 6, 1865.*

General TOWNSEND.

GENERAL: Shall I furnish Jefferson Davis writing material to answer Mr. O'Conor's letter received this a. m.?

NELSON A. MILES,
Brevet Major General of Volunteers.

To this General Townsend replied with cautious liberality:

The Secretary of War says you may furnish writing materials to Mr. Davis sufficient for the specific purpose of accepting or declining Mr. O'Conor's offer.

MR. DAVIS ACCEPTS OFFER

This momentous question settled, and a sheet of paper being furnished Mr. Davis, he wrote to Mr. O'Conor on the 7th of June. In this letter, after accepting Mr. O'Conor's kind offer, he made some reference to those of whom Mr. O'Conor wrote who had taken an interest in his case. This was doubtless some natural expression of gratitude.

The letter, after being inspected by the Secretary of War (Mr. Stanton), and the Secretary of State (Mr. Steward), and the Attorney General (Mr. Speed), was returned for amendment, being regarded in its then condition as an "improper communication."

Mr. Davis then struck out the "improper language," but again it was rejected, and, so far as the records disclose, no reply ever reached Mr. O'Conor, whether because of the inability of Mr. Davis to frame a proper answer, or because another sheet of paper was not supplied, the correspondence does not inform us. Mr. O'Conor, nevertheless, acted as the leading counsel in the trial.

THE HOT SUMMER MONTHS PASSED BY

The hot summer months passed by without material change in Mr. Davis's treatment or condition, and no steps were taken by the Government to bring him to that "speedy" and public trial by an impartial jury which is guaranteed in the Constitution.

SENATE ASKS FOR INFORMATION

On the 21st of September, 1865, the Senate of the United States called upon the President for information on the subject of the trial, but no response was made until January 7, when reports on the subject from the Attorney General and the Secretary of War were filed.

From these reports it seems that it was deemed proper that he should be tried for treason in the State of Virginia, where the Chief Justice was to preside, but that for reasons the Chief Justice would not hold the court.

CORRESPONDENCE BETWEEN THE PRESIDENT AND THE CHIEF JUSTICE

On the 16th of January, 1866, the Senate, becoming impatient under the outcry against the unconstitutional delay, called on the President for the correspondence between himself and the Chief Justice. From it we gather that the President asked the Chief Justice when he could hold the court, and was informed in reply that he was not willing to do so until martial law no longer prevailed in Virginia.

EFFORT TO PAROLE

During these delays, many efforts were made by prominent men of all parties and sections to secure the discharge of Mr. Davis from custody, either on bail or parole, but without success.

WHY THERE SHOULD HAVE BEEN NO TRIAL

Chase's Circuit Court Reports set out in detail the facts collated above as to the slow process of obtaining a trial, and also give a summary of the reasons why there should have been no trial for treason, prepared by Mr. Charles O'Conor (which is well worthy the perusal of every lawyer).

SHORT QUOTATION FROM MR. O'CONOR

"When rebels and traitors oppose their government by open violence, and are summarily put down, those not slain in the combat may fairly be tried for treason in the civil courts and dealt with as ordinary criminals. The transaction constitutes only a species of riot.

"But far different results ensue when rebellion maintains itself so long and so effectively as to compel between itself, its people, and its territory, on the one hand, and the lawful government on the other, the institution and acceptance of the rules and usages which obtain in regular wars between independent nations.

"Amongst men claiming to have attained a high civilization, war is recognized as a state or condition governed by law.

"In its conduct or at its close, sight is not lost of mortality and justice.

"If successful, the rebels acquire the power of establishing an independent state, which all men regard as not only legitimate but honorable in its origin; if they fail, the victor may be as indulgent as he will, or, as far as he dare, may consecrate to his revenge the field of his ruin.

"Whatever severity can be justified at the bar of public opinion may be practiced; and certainly no more should be exercised.

"To the latter proposition every magnanimous spirit will assent. Washington might have failed; Kosciusko did fail.

"After an open territorial war of this kind had existed for four years, it might be thought by some that the rebels were still simply violators of the municipal law, and that they ought to be dealt with

as such. By ways of reasoning, it might be urged that the extent of their operations merely intensified their guilt, and should not in any way affect the question. But this reasoning, if such it may be called, proves too much.

"On the fall of the rebellious state, after sustaining a belligerent attitude for 100 years, its chiefs and leaders might with equal propriety be brought to trial as traitors in civil courts, although they and their ancestors had for several generations been uniformly regarded and treated as public enemies carrying on war against the ultimate victor, a regular national war.

"This can not be admitted. The law of nature forbids it; and there are broad and comprehensive doctrines deducible from the universal practice as well as in reason and justice."

These views induced a belief that Jefferson Davis could not be lawfully convicted of treason, and that to compass his death by means of a civil trial, judgment, and execution would be disgraceful to those who administered the Government and discreditable to our people.

INDICTMENT FOUND

Nevertheless and notwithstanding an indictment against Mr. Davis was found in the Circuit Court of the United States for the District of Virginia on the 8th of May, 1866.

MOTION TO RELEASE ON BAIL

On the 7th of June, 1896, Messrs. Charles O'Conor, of New York; Mr. Thomas G. Pratt, ex-Governor of Maryland, representing Mr. Davis; and Mr. Speed (the Attorney General), representing the Government, waited on Chief Justice Chase at his residence to ascertain whether he would entertain a motion to release Mr. Davis on bail.

The Chief Justice, without any formal application for bail, announced that he considered it improper for him to act in this matter so long as the State of Virginia was under military rule, and that he would not act until the writ of habeas corpus was fully restored and martial law abrogated.

APPLICATION TO JUDGE UNDERWOOD

Mr. O'Conor and Mr. Shea, of New York, as counsel for Mr. Davis, also made an application subsequently to Judge Underwood in the Attorney General's office in Washington. He also declined on somewhat the same grounds as those given by Judge Chase.

The President, the Chief Justice, the Attorney General, and Judge Underwood all intimated their desire to grant the release, but each found some refined constitutional objection to gratifying these wishes, and the result of their self-denial was that Mr. Davis remained in custody.

WRIT OF HABEAS CORPUS

On the first day of the May term, 1867, Judge Underwood opened the Circuit Court of the United States at Richmond, when Mr. George Shea, of New York, as counsel for Mr. Davis, filed a petition for a writ of habeas corpus. It was granted, and on the 10th was served on Brig. Gen. Henry S. Burton, successor of General Miles as commandant at Fort Monroe, who, after obtaining the permission of the President, brought Mr. Davis to Richmond.

MR. DAVIS AT THE SPOTSWOOD HOTEL

Deep anxiety was felt about the trial, which, it was believed, would begin on Monday, the 13th day of May.

On that day the streets were filled with nervous people, and great crowds surrounded and packed the stairway and passages of the customhouse where the court room is situated.

Mr. Davis, his counsel, and General Burton and his staff were at the Spottswood Hotel.

The court was to sit at 11 o'clock, but long before that time many persons had secured positions in the court room by permits issued by the marshal. In this way seats were secured for a few ladies, the reporters, and a number of distinguished visitors.

COUSEL FOR DEFENSE ENTERS COURT ROOM

A few minutes before 11 the counsel for the defense entered the court room. They were a very distinguished group: Mr. Charles O'Conor, the leader of the bar in the United States; William B. Read, of Philadelphia, and George Shea, of New York, both high in the ranks of their profession; John Randolph Tucker, already distinguished as a constitutional lawyer and late the attorney general of Virginia; Robert Ould, the most skillful debator and logical speaker of his day; and Mr. James Lyons, who had long been prominent in the courts of Virginia.

It is seldom that any case has brought together a more distinguished array. The Government was represented by Mr. Evarts, the Attorney General of the United States, also a leader of the bar of New York and a man of learning, high culture, and refinement; Mr. Chandler, a northern resident of Virginia, who could take the iron-clad oath, was district attorney.

HORACE GREELEY ENTERED THE ROOM

A few moments before the clock struck 11 the large doors were thrown open and the crowd rushed in and filled every spot outside the bar. At 11 Horace Greeley entered the room and there was a buzz of interest. The object of his visit was known and excited much good feeling toward him, which was exhibited by kindly comment from the crowd and many cordial shakes of the hand by men inside the bar.

JUDGE UNDERWOOD CAME IN

When Judge Underwood came in the proclamation was made. After the proclamation there was a hush of expectation and all eyes were strained to catch the first glimpse of the distinguished prisoner.

As said before, he was at the Spottswood Hotel, in front of which a vast crowd was gathered to see him come out. Carriages were arranged in front of the hotel as if to take him and his party, but to avoid the crowd the proprietor had caused a coach to be brought into the courtyard in the rear, and while the crowd was standing expectant in front, Mr. Davis, General Burton, Doctor Cooper, of the United States Army, and Mr. Burton Harrison got into the carriage and were driven rapidly by a circuitous route to the customhouse. The crowd did not discover that they had been outwitted until he had reached his destination.

ANNOUNCED READY FOR TRIAL

The prisoner having thus passed from the control of martial law into that of this "republican law," Mr. O'Conor announced that the defense was ready and desired a trial.

To this Mr. Evarts replied that the case could not be heard at that term, to which, of course, the judge assented.

Motion for bail was then made, and by the practical consent of the prosecution it was granted and the penalty was fixed at $100,000, but this was not effected until Judge Underwood had interpolated a stump speech, lauding the Government of the United States and the beneficence of its administration.

PART II

BAIL BOND OF MR. JEFFERSON DAVIS, LATE PRESIDENT OF THE CONFEDERATE STATES

Be it remembered that on this thirteenth (13th) day of May, (1867), before the Honourable the Circuit Court of the United States of the District of Virginia at the Court House in Richmond in the said District came Jefferson Davis and acknowledged himself to owe to the United States of America the sum of $100,000 lawful money of the said United States, etc.

MR. GREELEY SIGNS FIRST

The bail-bond was then given, Mr. Greeley signing first.

The sureties were: Horace Greeley, of New York; Augustus Schell, of New York; Horace F. Clark, of New York; Gerrit Smith, of New York; Cornelius Vanderbilt, of New York; Aristides Welsh, of Philadelphia; David K. Jackman, of Philadelphia; R. Barton Haxall, of Virginia; Isaac Davenport, of Virginia; Abraham Warwick, of Virginia; Gustavus A. Meyers, of Virginia; W. W. Crump, of Virginia; James Lyons, of Virginia; James A. Meredith, of Virginia; W. H. Lyons, of Virginia; John Minor Botts, of Virginia; Thomas W. Doswell, of Virginia; James Thomas, jr., of Virginia; and Thomas R. Price, of Virginia.

ORDERED TO DISCHARGE THE PRISONER

When the bond was duly executed, the marshal was directed to discharge the prisoner, which was done amidst deafening applause.

THE PRESIDENT IS BAILED

The streets around the customhouse were crowded with people awaiting the result. As soon as the decision was announced some one ran to the main street window of the customhouse and shouted: "The President is bailed."

A mighty roar of applause went up from the people below, which was taken up and echoed and reechoed from street to street and house to house.

A company of United States Infantry had been brought up to the door of the customhouse when Mr. Davis was carried in by General Burton. No one has ever yet known what became of them. They vanished in the uproar, doubtless rejoicing that they were relieved of the ignoble functions which had been assigned them as jailers.

LEAVE THE CUSTOMHOUSE

Some time elapsed before the bond was signed and the order of release was entered.

Then Mr. Davis left the room, and with Mr. O'Conor (the Catholic) on one side and Mr. Ould on the other, came out of the customhouse door on Bank Square.

REBEL YELL

They were greeted with a sound which was not a cheer or a hurrah, but that fierce yell which was first heard at Manassas, and had been the note of victors at Cold Harbor, at Chancellorsville, the Wilderness, and wherever battle was fiercest.

OPEN CARRIAGE

The trio got into an open carriage and drove to the Spottswood Hotel, at the corner of Main and Eighth Streets.

It was the outburst from brave men who could thus best give expression to their indignation for what was past and their joy for the present.

As the carriage approached the hotel all sounds ceased, and a deep and solemn silence fell upon the vast crowd, less demonstrative than the yell, but more tender in its sympathy.

HATS OFF, VIRGINIANS

As Mr. Davis stood up in the carriage, preparatory to alighting, a stentorian voice shouted, "Hats off, Virginians," and 5,000 bareheaded men did homage to him who had suffered for them, and with moistened eye and bated breath stood silent and still until their representative entered the hotel.

EVERY MAN FELT IF DAVIS WAS A TRAITOR, SO WAS HE

The treatment which the Federal Government had imposed upon Mr. Davis had made him a martyr; the applause was an attestation of that fact. Around the court room were thousands of men who had met danger and suffered less. Each man felt that Davis had suffered vicariously for him. If Davis was a traitor, so was he. If Davis should suffer the penalties of the law, so should he. This it was which made the feeling so intense.

MARTYRED HERO

The southern people had profound respect for Mr. Davis personally because of his pure character and intellectual abilities, but for him there was no such deep and abiding devotion as for Lee and many of the other military chieftains. Mr. Davis impersonated their failure; the generals their brilliant success as long as success was possible.

But when the victors charged him falsely with crimes abhorrent to his nature, put him under ward and manacled him as a felon, and then indicted him as a traitor, he became their martyred hero, and history will so record him.

AGAIN POSTPONED

At the November term, 1867, Mr. Evarts, the Attorney General, was present, representing the prosecution before Judge Underwood. Mr. Davis, through his counsel, was ready, earnestly demanding a trial.

The Government asked that the trial be put off until the succeeding March, to suit the convenience of the Chief Justice. The defense was anxious for Judge Chase to preside, so it consented to the delay.

NEW INDICTMENT FOUND

On the 26th of March, 1868, a new indictment was found against the prisoner charging him in many counts with many acts of treason.

FINAL TRIAL

On Thursday, the 3d day of December, 1868, counsel for Mr. Davis having determined to move to quash the indictment, the question arising under the rule was taken up in the Circuit Court of the United States, sitting at Richmond, with Judges Chase and Underwood on the bench, and the real and final trial of Mr. Davis began.

There was not as much pomp and ceremony, nor as much dramatic effect, as at the trial of Warren Hastings, nor has any master of the art of word painting as Macaulay ever described it.

In some respects, however, the scenes were alike, despite the differences in the character of the prisoners and in the style of the crimes with which charged.

In each case the prisoner at the bar was a man of high intelligence and strong will. Each had ruled an empire.

Hastings had governed a vast territory with many millions of population, and had added a continent to the crown of England.

Davis had been the chosen leader of 11 Commonwealths combined under him into a constitutional government which had set great armies and great captains in the field, and for four years, against desperate odds, and dependent solely on its own resources, had accomplished mighty deeds, won brilliant victories, and challenged the admiration of the civilized world by its sturdy fortitude and by the heroic defense of what it regarded right.

ACTS OF A SOVEREIGN

The very indictment against Jefferson Davis was the catalogue of the great acts of a sovereign—a sovereign who conspired with Lee and Jackson and the Johnstons, with Stuart and Forrest and Kirby Smith and Taylor and many another, to fight such battles as the two at Manassas, the seven at Richmond, the two at Fredericksburg, and the bloody fields of Gettysburg, the Wilderness, Chancellorsville, and Spotsylvania.

SUCH DEEDS NOT THOSE OF A TRAITOR

Great publicists like Chase and O'Conor and Evarts knew that the law and the custom of nations did not look upon such deeds as those of a traitor, and that the world stood aghast at the effort to thus debase the principles of international justice.

MR. DAVIS NOT AN UNWORTHY HERO FOR SUCH A SCENE

Mr. Davis sat behind his counsel on the day of his final trial, much improved since his last appearance in the same room. He was not an unworthy hero for such a scene. His eyes flashed with intellectual fire, his nervous energy was still alert, though his physical strength was much wasted.

As he sat in the midst of the distinguished group he was easily primus inter pares. His calm dignity and his dauntless courage inspired the zeal of his defenders and won the respect of those whose official duty it was to prosecute.

He sat at that bar arraigned for the crimes of a great people, a sovereign called upon to answer for the misdemeanors of an empire. His mien and bearing proved him worthy the dignity of the position.

CHIEF JUSTICE OF THE UNITED STATES PRESIDED

The Chief Justice of the United States presided, and it is with pleasure that it can be recorded that he well maintained the functions of his high office.

He occupied the same position which was held by Chief Justice Marshall in that other great trial, when Aaron Burr stood indicted for treason at the same bar, and to his credit, be it said, he was equally just and impartial.

SOMEWHAT NOTORIOUS UNDERWOOD BY HIS SIDE

The somewhat notorious Underwood sat by his side, but the arguments of counsel were, it is said by eyewitnesses, addressed only to the Chief Justice.

Mr. O'Conor, especially, ignored his very existence, and the Chief Justice seemed to forget he was beside him on the bench except when, with the effrontery of ignorance, he exercised his right to dissent.

NEGRO JURY

The late Robert Whitehead, of Nelson, who was present, wrote that some time during the session of the court something was said about the difficulty of securing an impartial jury in Richmond.

Judge Underwood, with a wave of his hand toward the gallery packed with negroes, said he could easily secure a jury; but the suggestion was treated by Chief Justice Chase with the contempt it deserved.

MR. O'CONOR CLOSED

Mr. O'Conor closed for the defense.

NEXT DAY OCCUPIED BY MR. DANA AND MR. O'CONOR

On the close of Mr. Wells's speech the court adjourned until the next day, which was occupied by Mr. Dana and Mr. O'Conor.

COURT COULD NOT AGREE

The argument having closed on the 4th of December, the court adjourned until next day, when it announced what was well understood at the outset would be the case—that the court could not agree.

Although not stated in the order, it is known that the Chief Justice held the point taken by the defense to be good and that the indictment should be quashed, while Underwood would have overruled the motion and proceeded to trial.

The difference was that existing between a learned and upright lawyer, who could rise above political prejudice in the assertion of a great principle, and an ignorant partisan who permitted his personal bitterness to guide his judicial finding.

DISAGREEMENT CERTIFIED TO THE SUPREME COURT

The result of this disagreement of the judges was that the motion to quash failed, and thereupon the case was continued until the May term, 1869.

The fact of the disagreement was certified to the Supreme Court that it might be there decided.

GENERAL AMNESTY PROCLAMATION

This was the end of this celebrated cause. Later, in December, 1869, President Johnson published his general amnesty proclamation, which by common consent was held to cover Mr. Davis's case, and on the 15th of February, 1869, an order was entered in the circuit court of Richmond that the indictments be dismissed and Mr. Davis and his bondsmen be forever released.

MR. O'CONOR'S FAME

Mr. O'Conor took especial pains with the report of his speech and regarded it as one of the foundation stones upon which his fame as a lawyer would rest.

THE TRIALS AND TRIAL OF JEFFERSON DAVIS

(By Charles M. Blackford—A paper read before the Virginia Bar Association)

ADDRESS OF HENRY W. GRADY AT ATLANTA, AT THE UNVEILING OF THE STATUE OF SENATOR BENJAMIN H. HILL, WHICH CEREMONIES PRESIDENT JEFFERSON DAVIS ATTENDED

Henry W. Grady was the master of ceremonies and in presenting President Davis paid him the following touching tribute. It was said that when Grady had concluded there was not a dry eye in this large audience. I regret space will not permit the giving of this speech in full, but I think the following tribute should be read in every schoolhouse in the South at least twice a year. Mr. Grady said:

"Had the great man whose memory is perpetuated in this marble, chosen of all men one witness to his constancy and his courage, he would have chosen the honorable statesman whose presence honors this platform to-day. Had the people of Georgia chosen of all men one man to-day to aid in this sacred duty, and, by the memories that invest him about, to give deeper sanctity to their work, they would have chosen Jefferson Davis—first and last President of the Confederate States. It is good, sir [turning to Mr. Davis] for you to be here. Other leaders

have had their triumphs. Conquerors have won crowns, and honors have been piled on the victors of earth's greatest battles, but never yet, sir, came man to more loving people. Never conqueror wore prouder diadem than the deathless love that crowns your gray hairs to-day. Never king inhabitated more splendid palace than the millions of brave hearts in which your dear name and fame are forever enshrined. Speaking to you, sir, as a son of a Confederate soldier who sealed his devotion with his life—holding kinship through the priceless heritage of his blood to you and yours—standing midway between the thinning ranks of his old comrades, whose faltering footsteps are turned toward the grave, and the new generation thronging eagerly to take the work that falls unfinished from their hands—here, in the auspicious present, across which the historic past salutes a glorious future, let me pledge you that the love we bear you shall be transmitted to our children, and our children's children, and that generations yet unborn shall in this fair land hold your memory sacred, and point with pride to your lofty and stainless life.

"My countrymen [turning to the crowd], let us teach the lesson in this old man's life that defeat hath its glories no less than victories. Let us declare that this outcast from the privileges of this great Government is the uncrowned king of our people, and that no southern man, high or humble, asks no greater glory than to bear with him, heart to heart, the blame and the burden of the cause for which he stands unpardoned. In dignity and honor he met the responsibilities of our common cause. With dauntless courage he faced its charges. In obscurity and poverty he has for 20 years borne the reproach of our enemies and the obloquy of defeat. This moment—in this blessed Easter week—that, witnessing the resurrection of these memories, that for 20 years have been buried in our hearts, have given us the best Easter we have seen since Christ was risen from the dead. This moment finds its richest reward in the fact that we can light with sunshine the shortening end of a path that has long been dark and dreary. Georgians, countrymen, soldiers and sons of soldiers, and brave women, the light and soul and crown of our civilization, rise, and give your hearts voice, as we tell Jefferson Davis that he is at home among his people."

"Not for fame or reward,
Not for place or for rank,
Not lured by ambition
Or goaded by necessity;
But in simple
Obedience to duty,
As they understood it,
These men suffered all,
Sacrificed all,
Dared all, and died."

PART III

THE FORCE BILL OF JULY 2, 1890

The South had barely obtained control of their State governments and overcome negro rule when that Massachusetts hater of the South, Congressman Henry Cabot Lodge, introduced his force bill, which would again take away from the white people of the South the control of their State governments, by the use of Federal troops at the polls.

FIFTY-FIRST CONGRESS, FIRST SESSION

On June 14, 1890, Mr. Lodge introduced his bill.
On June 19 (five days later) Mr. Lodge reported it out of committee.
On June 25 (six days later) the debate started.
On July 2 (seven days later) the final vote was taken.

PASSED AMID LOUD APPLAUSE ON THE REPUBLICAN SIDE

On July 2, 1890, the bill passed the House by 155 yeas to 149 nays. (Amid loud applause on the Republican side.)

WHAT DID THE NEW YORK DEMOCRACY DO IN THAT DARK HOUR?

Congressman Amos J. Cummings voted with the South.
Congressman James W. Covert voted with the South.
Congressman Thomas F. Magner voted with the South.
Congressman John Quinn voted with the South.
Congressman Charles Tracey voted with the South.
Congressman Edward J. Dunphy voted with the South.
Congressman Felix Campbell voted with the South.
Congressman C. H. Turner voted with the South.
Congressman W. G. Stahlnecker voted with the South.
Congressman Roswell P. Flower voted with the South.
Congressman J. B. McCarthy voted with the South.

SEVEN WERE CATHOLICS AND FOUR WERE PROTESTANTS

Mr. Magner, Mr. Quinn, Mr. Tracey, Mr. Dunphy, Mr. Campbell, Mr. Turner, and Mr. McCarthy were Roman Catholics. Mr. Cummings, Mr. Covert, Mr. Stahlnecker, and Mr. Flower, while Protestants, were elected by solid Irish-Catholic constituencies.

I give the biography of one—Congressman Charles Tracey.

Born in the city of Albany, N. Y., May 27, 1847.

Received his education at the Albany Academy, from which he was graduated in 1866.

Served in the Papal Zouaves at Rome, Italy, portions of the years 1867–1870.

Appointed aide-de-camp to Governor Tilden, of New York, January 1, 1877.

Appointed manager of the house of refuge at Hudson, N. Y., by Governor Cleveland.

Reappointed to the same office by Governor Hill.

Elected to the Fiftieth Congress, Fifty-first, Fifty-second, and Fifty-third.

MR. M'KINLEY VOTED FOR THE FORCE BILL

"Mr. WHEELER, of Alabama. I rise to the point of order that there is not a quorum present, and that therefore the bill is not being read in the presence of a quorum.

"Mr. MCKINLEY, of Ohio. How do you know?

"The clerk continued reading.

"Mr. WHEELER, of Alabama. I insist upon the point that no quorum is here.

"The SPEAKER pro tempore (Mr. Burrows in the chair). The reading of the engrossed bill can not be interrupted.

"Mr. WHEELER, of Alabama. I want to know of the Speaker if it is in order to read the bill in the absence of a quorum?

"Mr. CANNON, of Illinois. Oh, there is a quorum here.

"The reading of the bill was resumed and concluded, and the bill passed 155 to 149."

WHAT HAPPENED IN THE SENATE?

New York had two Republicans in the Senate at that moment: William M. Evarts and Frank Hiscock—who voted for the bill.

The debate began on December 2, 1890.

The debate ended on January 22, 1891.

FINAL VOTE

On January 20, 1891, the Senate having been in session until 5 o'clock that morning, the following occurred:

"Mr. WOLCOTT, of Colorado (a Silver Republican). Mr. President——

"The PRESIDING OFFICER (Mr. Platt in the chair). Does the Senator from Alabama yield to the Senator from Colorado?

Mr. WOLCOTT. If the Senator from Alabama will yield to me, I move that the Senate proceed to the consideration of the bill (H. R. 12500) making an apportionment of Representatives in Congress among the several States under the Eleventh Census, and upon that motion I call for the yeas and nays.

Mr. MORGAN of Alabama. Mr. President, of course I shall not object to the motion, but I must say that I am called upon to yield at a very interesting period of my remarks, which I hope I shall never have the opportunity to resume.

MOTION CARRIED

That motion carried 35 yeas to 34 nays, and the Aldrich resolution to force a majority cloture rule on the Senate so the election bill could be passed was set aside and another bill took its place as the business of the Senate.

WHO STOOD BY THE SOUTH IN THAT VOTE?

Senator Arthur P. Gorman, of Maryland;
Senator Ephraim K. Wilson, of Maryland;
Senator George Gray, of Delaware;
Senator Rufus Blodgett, of New Jersey;
Senator C. J. Faulkner, of West Virginia;
Senator J. E. Kenna, of West Virginia;
Senator Henry B. Payne, of Ohio;
Senator David Turpie, of Indiana; and
Senator Daniel W. Voorhees, of Indiana.

Aside from these 9 northern Democrats, it took the votes of Cameron and Quay, of Pennsylvania, in addition to the 5 Silver Republicans, to defeat this motion for cloture, the southern Democrats having only 19 votes themselves.

THE LOSS OF ONLY ONE VOTE WOULD HAVE MEANT ANOTHER LOST CAUSE

Had the Senate adopted the Aldrich resolution for majority cloture, which failed by just one vote (35 to 34), had a single one of these Senators who stood by the South failed to do so, the election bill (force bill) would have passed the Senate within 24 hours; and, having already passed the House, it would have become a law, for the gentleman then in the White House (Mr. Harrison) would have signed it gladly.

This would have meant another "lost cause" for the South.

MOST MOMENTOUS QUESTION SINCE APPOMATTOX

The result of that vote meant more to the South than anything which had happened since Appomattox.

NEGRO UNITED STATES SENATOR FROM MISSISSIPPI—BLANCHE K. BRUCE

Blanche K. Bruce, colored, of Floreyville, Miss., was born in Prince Edward County, Va., March 1, 1841; became a planter in Mississippi in 1869; member of the Mississippi Levee Board, and sheriff and tax col-

lector of Bolivar County from 1872 until his election to the United States Senate, February 3, 1875, as a Republican.

Took his seat March 4, 1875; served until March 3, 1881.—(Biographical Congressional Directory.)

NEGRO UNITED STATES SENATOR FROM MISSISSIPPI—HIRAM R. REVELS

Hiram R. Revels (colored), was born at Fayetteville, N. C., September 1, 1822. Located at Natchez, Miss. Held various local offices. Elected a United States Senator from Mississippi as a Republican, serving from February 25, 1870, to March 3, 1871. Moved to Richmond, Lnd., and became pastor of the African Methodist Episcopal Church.—(Biographical Congressional Directory.)

NEGRO CONGRESSMAN FROM MISSISSIPPI—JOHN R. LYNCH

John R. Lynch (colored), was born in Concordia Parish, La., September 10, 1847. Engaged in the business of photography at Natchez, Miss., until 1869, when Governor Ames appointed him a justice of the peace; elected a member of the State legislature in 1869, and reelected in 1871, serving the last term of speaker of the house; elected to the Forty-third and Forty-fourth Congresses as a Republican; elected to the Forty-fifth Congress, but was counted out and Gen. J. R. Chalmers counted in; elected to the Forty-seventh Congress as a Republican; appointed Fourth Auditor of the Treasury Department under President Harrison.—(Biographical Congressional Directory.)

NEGRO CONGRESSMAN FROM NORTH CAROLINA—HENRY PLUMMER CHEATHAM

Henry Plummer Cheatham (colored) was born at Granville, N. C., December 27, 1857; elected register of deeds of Vance County; elected to the Fifty-first Congress as a Republican, and reelected to the Fifty-second Congress; recorder of deeds for the District of Columbia at Washington, D. C.—(Biographical Congressional Directory.)

NEGRO CONGRESSMAN FROM NORTH CAROLINA—JOHN ADAMS HYMAN

John Adams Hyman (colored) was born a slave in Warren County, N. C., July 23, 1840; sold and sent to Alabama; emancipated in 1865, returning to North Carolina and engaging in farming; delegate to the State constitutional convention of 1868, and a State senator 1868–1874; elected a Representative from North Carolina to the Forty-fourth Congress as a Republican; appointed collector of internal revenue of the second district of North Carolina in June, 1877.—(Biographical Congressional Directory.)

NEGRO CONGRESSMAN FROM NORTH CAROLINA—JAMES E. O'HARA

James E. O'Hara (colored) was born in New York City February 26, 1844; studied law partly in North Carolina and partly at Howard University, Washington, D. C.; admitted to the bar of North Carolina in June, 1871; engrossing clerk to the Constitutional Convention of North Carolina in 1868; also to the legislature of 1868–69; member of the State Constitutional Convention of 1875; chairman of the Board of Commissioners for the County of Halifax, 1872–1876; elected to the Forty-sixth Congress, but the certificate of election was given to W. H. Kitchin, Democrat; elected almost without opposition to the Forty-eighth Congress as a Republican, and reelected to the Forty-ninth Congress. (Biographical, Congressional Directory.)

NEGRO CONGRESSMAN FROM NORTH CAROLINA—GEORGE HENRY WHITE

George Henry White (colored) was born at Rosindale, Bladen County, N. C., December 18, 1852; graduated from Howard University, Washington, D. C., in the class of 1877; elected to the house of representatives in 1880 and to the State senate in 1884; elected solicitor and prosecuting attorney for the second judicial district of North Carolina for four years in 1886, and for a like term in 1890; candidate for Congress in the second district in 1894, and nominated, but withdrew in the interest of harmony in his party; elected to the Fifty-fifth and Fifty-sixth Congresses as a Republican. (Biographical, Congressional Directory.)

NEGRO CONGRESSMAN FROM SOUTH CAROLINA—JOSEPH H. RAINEY

Joseph H. Rainey, was born at Georgetown, S. C. (where both his parents were slaves, but by industry obtained their freedom), June 21, 1832; barber; compelled to work on the Confederate fortifications in 1862; escaped to the West Indies, where he remained until the close of the war; returned to his native town; elected a delegate to the State constitutional convention of 1868; member of the State senate in 1870, but resigned, having been elected a Representative from South Carolina to the Forty-first Congress as a Republican (vice B. F. Whittemore); reelected to the Forty-second, Forty-third, Forty-fourth, and Forty-fifth Congresses.—(Biographical Congressional Directory.)

NEGRO CONGRESSMAN FROM SOUTH CAROLINA—ROBERT SMALLS

Robert Smalls (colored), was born at Beaufort, S. C., April 5, 1839; was a slave; moved to Charleston in 1851, worked as a rigger, and led a seafaring life; became connected in 1861 with the *Planter*, a steamer plying in Charleston Harbor as a (Confederate) transport, which he took over Charleston bar in May, 1862, and delivered her and his services to the commander of the United States blockading squadron; appointed pilot in the United States Navy, and served in that capacity on the monitor *Keokuk* in the attack on Fort Sumter; elected a member of the State Constitutional Convention of South Carolina in 1868; elected a member of the State house of representatives in 1868; and of the State senate, to fill a vacancy, in 1870, and reelected in 1872; delegate to the Republican National Convention at Philadelphia in 1872, and also to the Republican National Convention which met at Cincinnati in 1876; elected to the Forty-fourth Congress, reelected to the Forty-fifth Congress and defeated as a candidate for the Forty-sixth Congress; elected to the Forty-seventh Congress; the certificate of election was given to his opponent, but the House decided that he had received, as the Republican candidate, 14,393 votes, against 12,904 for George D. Tillman, Democrat, and he was seated July 19, 1882; reelected to the Forty-eighth Congress to fill the vacancy caused by the death of Edmund W. M. Mackey; reelected to the Forty-ninth Congress; appointed collector of the port of Beaufort, S. C.—(Biographical Congressional Directory.)

NEGRO GOVERNOR OF LOUISIANA—P. B. S. PINCHBACK

Pinckney Benton Stewart Pinchback, politician, was born in Macon, Ga., May 10, 1837. His father was white and his mother a mulatto. Upon the outbreak of the Civil War he was within the Confederate lines, ran the blockade in 1862, at Yazoo City, and enlisted in the First Louisiana Volunteers at New Orleans. He was a delegate to the reconstruction convention of 1867; State senator in 1868; delegate to the Republican national convention in 1868; and in April, 1869, was appointed register of the land office at New Orleans. He was elected president pro tempore of the State senate, became lieutenant governor on the death of Lieut. Gov. Oscar Dunn, December 6, 1871, and acting governor during the impeachment trial of Governor Warmoth, December and January, 1872–73. He was nominated for governor by the Republican Party in 1872, but withdrew in the interest of harmony, and was nominated and elected Representative in Congress from the State at large in November, 1872. He was chosen United States Senator by the Republican legislature in 1873, but his seat was refused him by the Senate, and was vacant, 1873–77, although he received the pay due a Senator from Louisiana for the time he was before the Senate. He was commissioner from Louisiana to the Vienna exposition in 1873; a delegate to the State constitutional convention in 1879; and surveyor of customs of New Orleans in 1882. He was a delegate to every Republican national convention from 1868 to 1900. (Lamb's Biographical Dictionary of the United States.)

TO RECAPITULATE

Senator Blanche K. Bruce (Mississippi).
Senator Hiram R. Revels (Mississippi).
Congressman John R. Lynch (Mississippi).
Congressman Henry Plummer Cheatham (North Carolina).
Congressman John Adams Hyman (North Carolina).
Congressman James E. O'Hara (North Carolina).
Congressman George Henry White (North Carolina).
Congressman Joseph H. Rainey (South Carolina).
Congressman Robert Smalls (South Carolina).
Gov. P. B. S. Pinchback (Louisiana).

NEGRO UNITED STATES SENATORS FROM NORTHERN STATES

None.

NEGRO CONGRESSMEN FROM NORTHERN STATES

None.

NEGRO GOVERNORS OF NORTHERN STATES

None.

THE TAMMANY DEMOCRATS WERE THE ONLY FRIENDS THE SOUTH HAD IN CONGRESS

It was the Tammany Democrats who resisted the reconstruction measures of the Republican Party during the Thirty-ninth, the Fortieth, the Forty-first, the Forty-second, the Forty-third, the Forty-fourth, the Forty-fifth, and the Forty-sixth Congresses.

THE SOUTH DIVIDED INTO FIVE MILITARY DISTRICTS

With the South divided into five military districts, ruled by a military governor, it was Congressman Abram S. Hewitt, of New York, a Tammany Democrat, who led the movement against the use of the Army at the polls and championed the liberty of the suffragist.

NATIONAL CHAIRMAN IN THE PRESIDENTIAL CAMPAIGN OF 1876

Mr. Hewitt was chairman of the Democratic National Committee in the presidential campaign of 1876, which terminated in the fraudulent inauguration of Hayes as President by methods unknown to the Constitution.

Mr. Hewitt's knowledge of the circumstances convinced him that this result was only made possible by the despotic use of the Army in several of the States, but particularly in Louisiana.

His soul was stirred with indignation. He feared, and with reason, lest free government should perish in the land unless the power to use the troops at the polls were abolished.

He determined to devote himself to the supreme duty of repealing the legislation which had made a national fraud triumphant for the first time in the history of the country.

FIRST STEP

The movement was inaugurated by the insertion of a provision in the bill for the support of the Army. It was framed at the second session

of the Forty-second Congress. It forbade the use of the Army for the purpose of sustaining the so-called State government of Packard in Louisiana. It caused the loss of the bill. The Army was maintained from July until October, 1877, without lawful appropriations. President Hayes called an extra session of Congress. Mr. Hewitt was placed in charge of the Army bill. He offered an amendment prohibiting the use of the Army as a posse comitatus in civil proceedings.

It was adopted by the House. It was rejected by the Senate, and then the bill went into conference. The result was the adoption of the bill containing the posse comitatus clause. The first step was thus successfully achieved.

FOLLOWED UP HIS SUCCESS

In the third and final session of the Forty-fifth Congress this indefatigable statesman followed up his success. He determined to secure the repeal of the sections of the Revised Statutes which permitted the use of the troops at the polls.

The repealing amendment was offered. It passed the House. The bill went to the Senate. There this provision was rejected. The bill went into conference. It was soon found that upon every point of difference there could be agreement except the provision which repealed the power to employ troops at the polls. In the conference committee Mr. Blaine appeared as the determined advocate for the retention of this power, while Mr. Hewitt and Mr. Sparks insisted upon the repeal as adopted by the House. Three conference committees were appointed. They failed to agree. On the 3d of March, 1879, Mr. Hewitt announced the final disagreement.

SPEECH RESPLENDENT WITH SPIRIT OF DEVOTION TO CIVIL LIBERTY

His speech on that occasion was resplendent with the spirit of devotion to civil liberty. In it, with admirable vigor of argument and eloquent beauty of appeal, he supported the Democratic position that it should no longer be lawful for a soldier to be at a polling place on the day of election. His words deserve to be repeated whenever and wherever the story of the struggle is told. Mr. Hewitt said: "The issue involves the very essence of free government. The difference between a despotic and a free government is this: In a despotism, the military power is superior to the civil; in a free government, the civil dominates the military power. The latter principle is one which we never fought for; it came to us as an inheritance from our fathers. It was so well recognized that when the Constitution was formed it was not even deemed necessary to insert an article to that effect. But, as a protection against military interference, provision was made that citizens might bear arms, and that no soldiers should be quartered upon them without their consent. No English-speaking man for 200 years has questioned the principle that soldiers should never be present at the polls; and the question could never have been raised in this country, the demand could never have been made in our land, but for the calamity of a civil war. In time of civil war many political rights must be surrendered to the necessities of the conflict. And so it was here. We surrendered the right we had inherited, and which up to that hour we had exercised, that no soldier should show himself at the polls. We surrendered that safeguard as we surrendered many other things that were dear to us. Now, for 15 long years we have been striving to recover that lost ground. And, unless the blood which courses in our veins has degenerated from the vital fluid which has made the Anglo-Saxon people great and free, I can not doubt the result of the appeal which I now make to the country."

FINALLY REPEALED

The final achievement of the repeal was accomplished in the next Congress, the Forty-sixth. His long and earnest fight, promoted by the purest patriotism, love of equity, honor, and law, was of paramount importance to the settlement of this fundamental question involving the obscuration of the liberties of the people and the brutalizing excesses of force against the muniments of freedom.

TOOK MISSISSIPPI 16 YEARS TO RESTORE WHITE GOVERNMENT

It took Mississippi 16 years to restore white government, from 1865 to 1881.

Without money, with Federal soldiers all over the State, Mississippi was fortunate to be able to rescue her government even after that long period.

FORCE BILL WOULD HAVE RESTORED CARPETBAG AND NEGRO RULE

The force bill would have restored carpetbag and negro rule in three or four of the Southern States. That was the purpose of the bill. That was the only reason for its introduction.

CARPETBAGGERS AND THEIR MYRMIDONS SWEEPING OVER THE SOUTH

Carpetbaggers and their myrmidons (ignorant negroes) had been sweeping over the South like a simoon for 16 long years.

SOUTH COULD HAVE SAVED SLAVERY AS LATE AS JANUARY 1, 1863

Mr. Lincoln's preliminary proclamation of September 22, 1862, gave the South 100 days in which, if it cared to do so, it could have dissolved the government of the Confederacy and mustered out its armies.

MR. LINCOLN MADE GOOD HIS PROMISE

In his debate with Mr. Douglas and in his first inaugural, Mr. Lincoln said:

"I have no purpose, directly or indirectly, to interfere with the institution of slavery in the States where it exists. I believe I have no lawful right to do so, and I have no inclination to do so."

MILITARY NECESSITY

Not until the war had been in progress almost two years; not until some of the war's bloodiest battles had been fought; not until it became a military necessity, which he believed justified by the Constitution, to save the Union, did Mr. Lincoln interfere with slavery in the States where it existed; and, then, he gave the South another chance to reconsider—before his proclamation became effective.

SLAVERY WAS NOT THE ISSUE

"Liberty of self-government, so dear for ages to the Anglo-Saxon; the right peaceably to withdraw from the Union, which was their legal right under the Constitution, was the issue.

"The South's surrender of her claim to the integrity of the Union was the one point upon which Lincoln insisted, and the one which Stephens could not yield."

That was the real issue of the war; not slavery.

The South was not fighting to save slavery. The North was not fighting to abolish slavery.

THE ASSASSINATION OF MR. LINCOLN

When the dastardly act of the madman ended the earthly career of that great soul, the South was horrified and plunged into the deepest sorrow.

LINCOLN WAS THE MOST SUBLIME OF ALL THE PRESIDENTS

While disagreeing about a great constitutional principle, the South loved Lincoln, and looked upon him as the tenderest, the most sublime, of all the Presidents.

LINCOLN OPPOSED NEGRO CITIZENSHIP

At the Lincoln-Douglas debate at Charleston, September 18, 1858, Mr. Lincoln, in his rejoinder, said:

"Judge Douglas has said to you that he has not been able to get from me an answer to the question whether I am in favor of negro citizenship. So far as I know, the judge never asked me the question before. He shall have no occasion to ever ask it again, for I tell him very frankly that I am not in favor of negro citizenship."

THE SOUTH HAS BECOME RICH AND POWERFUL SINCE 1891

The South has become rich and powerful since 1891.

The South's resources are enormous.

The South's population runs into the millions.

The South last year produced 64 per cent of the cotton crop of the world.

The South sold this one crop for $1,016,000,000.

The South produces all the raw materials of the Nation save alone lumber, coal, iron, wheat, wool, and leather; and produces much of this.

The mills of New England are being dismantled one by one and are being rebuilt in the South.

The high cost of freight transportation and labor conditions have made it imperative that factories seek the source of their raw materials.

Texas alone could feed the world if its idle acres were put into cultivation.

All of this has come about since that memorable 22d day of January, 1891, when the South won by 1 majority in the Senate of the United States the right to social, industrial, and commercial independence.

BUT THE STORY HAS NOT COME TO AN END

In the House of Representatives, almost from the beginning of the Government, following the practice in the House of Commons, the rules adopted have included the "previous question," which amounts to "cloture," thus ending debate. Certainly, since 1811, the House Rules adopted at the beginning of every new Congress have included the "previous question," which only requires a majority vote to apply the rule to any pending question and thereby end debate.

CLOTURE NOT ADOPTED IN SENATE UNTIL 1917

When the force bill was under consideration in the Senate, the important weapon of the South was "unlimited debate," which began on December 2 and did not end until January 22, following.

AMERICA ON VERGE OF WAR IN MARCH, 1917

Woodrow Wilson had made his last gesture to prevent war. He had urged the arming of American vessels. The legislation failed of passage and the Congress expired by limitation of law at noon on March 4, 1917.

NEW CONGRESS MET MARCH 5, 1917

The new Congress was called in extra session the next day, March 5, 1917. (America entered the war April 6, 1917.)

CLOTURE ADOPTED IN THE SENATE MARCH 8, 1917

The first business of the Senate was the consideration of a "cloture" resolution. On March 8, 1917, three days later, by a practically unanimous vote, the Senate of the United States (after 128 years of unlimited debate), adopted "cloture."

At any time a motion, signed by 16 Senators, to bring to a close the debate upon any pending measure is presented to the Senate, it becomes the duty of the presiding officer to at once state the motion to the Senate, and after the lapse of one calendar day he shall lay the motion before the Senate and direct that the Secretary call the roll, and upon the ascertainment that a quorum is present shall, without debate, submit to the Senate by a yea-and-nay vote the question: "Is it the sense of the Senate that the debate shall be brought to a close?"

And if that question shall be decided in the affirmative by a two-thirds vote of those voting, then said measure shall be the unfinished business to the exclusion of all other business until disposed of, and, thereafter, no Senator shall be entitled to speak in all more than one hour on the pending measure.

SENATE RULES ARE CONTINUING

The Senate being a continuing body, its rules when once adopted continue until modified.

CLOTURE IS IN THE SENATE RULES TO STAY

Now that "cloture" has been written into the Senate rules, "unlimited debate" is ended in that body.

SOUTH HAS LOST ITS GREATEST WEAPON

The South has lost its greatest weapon, "unlimited debate," for with never more than 26 to 28 votes in the Senate it can not, without the aid of northern Democrats, repeal the rule, or prevent its application.

The votes of 49 Senators are necessary to "repeal" it and the votes of 32 Senators are necessary to "prevent its application."

THE REPUBLICAN PARTY HAS NOT CHANGED

The Republican Party has not changed, except that its membership is now better "classified" and its rascality better known.

It is composed of—

1. The best minds;
2. The average member;
3. The uplifter; and
4. The shoplifter.

NO DIFFERENCE BETWEEN 1891 AND 1920

The South will not forget that there was no difference between Henry Cabot Lodge of 1891 and 1920. He was even more bitter toward the South and toward the Democratic Party in 1920.

The South will not forget that there was no difference between P. C. Knox and old Thad Stevens. He was just as bitter toward the South and toward the Democratic Party in 1920.

KICK IN THE DOOR OF THE WHITE HOUSE

The South will not forget that when Woodrow Wilson, that stricken hero, was still confined to his bed and very slowly regaining his strength that it was a Republican, Senator Albert B. Fall, of New Mexico, who threatened to "kick in the door of the White House" if they would not let him see the President. A few days later, to put a stop to this cloak-room talk, Senator Gilbert M. Hitchcock, of Nebraska, accompanied him to the White House, where they were received by the President. (Senator Fall was then interested in "Mexico.")

SAME FALL

The South will not forget that this is the same Albert B. Fall who later was a member of the Cabinet of President Harding, and who is awaiting trial now for accepting a bribe.

RECEIVED $100,000 IN A LITTLE BLACK BAG

The South will not forget that at a former trial Fall admitted receiving $100,000 in cash, in a little black bag, which he claimed was a "loan."

OIL "LOOT" WORTH $1,000,000,000

The South will not forget that the oil "loot" which Fall gave to Doheny and Sinclair, and which the Government has recovered as a result of the decision of the Supreme Court of the United States, is worth $1,000,000,000; and that this recovery is due largely to the insistence and persistence of a few Democratic Senators who followed the trail to the end.

SINCLAIR PAID HAYS'S GAMBLING DEBTS

The South will not forget that it has been indisputably proven that Will Hays, former Postmaster General in the Harding Cabinet, and former chairman of the Republican National Committee, permitted Harry Sinclair to give him $85,000 out of the Continental "jack pot" to pay his "gambling debts"; Harry Sinclair expecting, of course, to be favored in return by the Republican Party (in which expectation he was not disappointed).

REPUBLICAN GOVERNOR OF INDIANA RETURNING FROM THE PENITENTIARY "ALMOST" MEETS A REPUBLICAN GOVERNOR GOING

The South will not forget that Governor McCray, former Republican Governor of Indiana, in returning from the penitentiary where he was serving a 10-year term, "almost" meets another Republican Governor going, the latter escaping by pleading the "statute of limitation," which caused a dismissal to be entered by the court.

LANGLEY IS GRANTED A PAROLE AND "RETURNS TO WASHINGTON"

The South will not forget that former Republican Congressman John W. Langley has been granted a parole, having served more than a year in the penitentiary, and has "returned to Washington."

FORBES IS GRANTED A PAROLE AND "RETURNS TO WASHINGTON"

The South will not forget that Charles R. Forbes, Republican, Director of the United States Veterans' Bureau under Presidents Harding and Coolidge, has been granted a parole, having served more than a year in the penitentiary, and has "returned to Washington."

THOMAS W. MILLER SOON TO BE ON HIS WAY TO THE PENITENTIARY

The South will not forget that Thomas W. Miller (Republican), former secretary of state of Delaware, former Republican Member of Congress from that State in the Sixty-fourth Congress, and Alien Property Custodian in the administrations of Presidents Harding and Coolidge, who was recently sentenced to serve a term in the penitentiary on account of $47,500 in Liberty bonds traced to him from a part of the American Metal Co. assets after the $6,453,979.97 assets of that company had been returned by himself as Alien Property Custodian, will soon be on his way, the Supreme Court of the United States having denied his petition for certiorari.

HARRY M. DAUGHERTY INDICTED JOINTLY WITH MILLER

The South will not forget that Harry M. Daugherty, Republican and former Attorney General in the Cabinets of Presidents Harding and Coolidge, was indicted jointly with Miller, and that the jury at both trials were discharged after failing to agree on a verdict, though it is understood the last jury stood 10 for conviction and 2 for acquittal.

WOULD PLACE THE BRAND OF TREASON ON CONFEDERATE SOLDIERS

The South will not forget that it is the representatives of the Republican Party who would still place the brand of "treason" on those who followed the Stars and Bars, the brave Confederate soldiers.

MR. M'KINLEY, THE METHODIST

The South will not forget that Mr. McKinley, the Methodist (later President of the United States), did not stand by her.

MR. CANNON, THE QUAKER

The South will not forget that Mr. Cannon, native son of the South (later Speaker of the House of Representatives), did not stand by her.

NORTHERN DEMOCRATS

The South will not forget that it was the northern Democrats, the Thomas Jefferson, Andrew Jackson, Tammany Democrats, who stood by her.

TRUSTED THE SOUTH

The South will not forget that it was the northern Democrats who trusted her to form a stable and an honest government, which would enable her to work out her own problems as she alone knew best how. (And it is worthy of note that the South has proven worthy of that confidence.)

THE DEMOCRATIC PARTY HAS A CHANCE TO WIN THE PRESIDENCY

The South will not forget that the Democratic Party has a chance to win the Presidency this year if it nominates as its candidate Gov. Alfred E. Smith, of New York, great American, great Democrat, upright statesman, plain citizen.

EIGHTEENTH AMENDMENT

The South will not forget that the eighteenth amendment prohibits only "intoxicating" beverages.

VOLSTEAD ACT

The South will not forget that the Volstead Act prohibits also "non-intoxicating" beverages, light wine, and beer, for which there is not the slightest justification.

VETOED BY WOODROW WILSON

The South will not forget that this is the same Volstead Act which Woodrow Wilson vetoed which Al Smith wants to modify.

EXCERPT FROM VETO MESSAGE

THE WHITE HOUSE,
October 27, 1919.

In all matters having to do with the personal habits and customs of large numbers of our people we must be certain that the established processes of legal change are followed. In no other way can the salutary object sought to be accomplished by great reforms of this character be made satisfactory and permanent.

WOODROW WILSON.

EXCERPT FROM THE OPINION OF MR. JUSTICE CLARKE, OF THE SUPREME COURT OF THE UNITED STATES

Mr. Justice Clarke dissenting:

"With respect to the eleventh conclusion of the court, it is enough to say that it approves as valid a definition of liquor as intoxicating which is expressly admitted not to be intoxicating in each of the cases in which it is considered."

TEMPERANCE DRINKS

Until the advent of the Anti-Saloon League light wine and beer were universally regarded as temperance beverages, and are still so regarded by millions of the American people.

FOOD AND DRINK

Beer is both food and drink for the people. It does more than quench thirst. It strengthens the tired muscles. It lightens the daily tasks. It supplies the nourishment needed to build the wasted tissues. It promotes good fellowship. It is one of the pleasures of life.

WILL DRIVE BOOTLEGGER OUT OF BUSINESS OVERNIGHT

It is universally conceded that light wine and beer will drive the bootlegger out of business overnight by taking away his patronage.

PEOPLE WILL RESPECT THE LAW

It is universally conceded that the American people will then "respect" the law, and that it will not be necessary to "enforce" it.

ONE BILLION DOLLARS IN REVENUE

It is universally conceded that a very small "tax" on light wine and beer will bring into the Treasury of the United States $1,000,000,000 in revenue annually.

SALOON

The South will not forget that Al Smith is opposed to the saloon; that Al Smith says the saloon is and ought to be a "defunct institution."

CAN NOT BE DRUNK ON PREMISES WHERE PURCHASED

The South will not forget that by providing in the "modification act" that even light wine and beer shall not be drunk on the premises where purchased, that there is no danger of the return of the saloon.

THE SOUTH WAS NOT SUPINELY CONTENTED TO ENDURE THE ENFORCEMENT ACTS PASSED UNDER THE THIRTEENTH, FOURTEENTH, AND FIFTEENTH AMENDMENTS

The South will not forget that it was not supinely contented to endure the enforcement acts passed under the thirteenth, fourteenth, and fifteenth amendments, which were broader than the amendments themselves and therefore without constitutional warrant, as the case of Israel LeGrand, and other famous "election cases" amply testify.

THE NORTH CAN NOT BE EXPECTED TO BE SUPINELY CONTENTED TO ENDURE THE ENFORCEMENT ACT PASSED UNDER THE EIGHTEENTH AMENDMENT

The South can not expect the North to be supinely contented to endure the enforcement act, passed under the eighteenth amendment, when that act is broader than the amendment itself.

CAN NOT EXPECT THE NORTH TO ACCEPT DICTUM OF THE OHIO ANTI-SALOON LEAGUE

The South can not expect the North to accept the mere "dictum" of the Ohio Anti-Saloon League, because a "dry majority" in the Congress yielded to that "dictum."

ONE-HALF OF 1 PER CENT TAKEN FROM AN OLD REVENUE ACT

The South will not forget that the one-half of 1 per cent was taken from an old "revenue act," which placed a "tax" on all beverages containing as much as one-half of 1 per cent of "alcohol"; an old act 50 years old, which dealt purely with "taxation" and had nothing in the world to do with the question as to whether one-half of 1 per cent was "intoxicating."

DEMOCRATIC APPROVAL OF LIGHT WINE AND BEER, MR. JEFFERSON'S VIEWS

The South will not forget the views on this question of the greatest political philosopher of all time, Thomas Jefferson, father of the Democratic Party.

[From the Writings of Thomas Jefferson, Vol. XV, p. 178]

MONTICELLO, *December 13, 1818.*

TO MONSIEUR DE NEUVILLE:

I rejoice, as a moralist, at the prospect of a reduction of the duties on wine by our National Legislature. It is an error to view a tax on that liquor as merely a tax on the rich. It is a prohibition of its use to the middling class of our citizens and a condemnation of them to the poison of whisky, which is desolating their houses. No nation is drunken where wine is cheap; and none sober where the dearness of wine substitutes ardent spirits as the common beverage. It is, in truth, the only antidote to the bane of whisky. Fix but the duty at the rate of other merchandise and we can drink wine here as cheap as we do grog; and who will not prefer it? Its extended use will carry health and comfort to a much-enlarged circle. Everyone in easy circumstances (as the bulk of our citizens are) will prefer it to the poison to which they are now driven by their Government. And the Treasury itself will find that a penny apiece from a dozen is more than a groat from a single one. This reformation, however, will require time. Our merchants know nothing of the infinite variety of cheap and good wines to be had in Europe, and particularly in France, in Italy, and the Grecian Islands, as they know little also of the variety of excellent manufactures and comforts to be had anywhere out of England. Nor will these things be known, nor, of course, called for here, until the native merchants of those countries to whom they are known shall bring them forward, exhibit, and vend them at the moderate profits they can afford. This alone will procure them familiarity with us, and the preference they merit in competition with corresponding articles now in use.

TH. JEFFERSON.

[From the Writings of Thomas Jefferson, Vol. XIV, p. 380]

MONTICELLO, *January 6, 1816.*

TO Col. CHARLES YANCEY:

There is before the assembly a petition of a Captain Miller which I have at heart, because I have great esteem for the petitioner as an honest and useful man. He is about to settle in our county and to establish a brewery, in which art I think him as skillful a man as has ever come to America. I wish to see this beverage become common instead of the whisky which kills one-third of our citizens and ruins their families. He is staying with me until he can fix himself, and I should be thankful for information from time to time of the progress of his petition.

TH. JEFFERSON.

JEFFERSON'S HOUSE GUEST

It is interesting to note that this famous "brewer" was Mr. Jefferson's house guest.

BOOTLEG WHISKY

If the "pure" whisky of Mr. Jefferson's day killed one-third of the people, what will the "bootleg" whisky of our day do?

DIVINE APPROVAL OF WINE

The South will not forget that we have divine approval of wine.

1. Place: Cana of Galilee.
2. Occasion: Marriage feast.

JESUS' FIRST MIRACLE, WATER TURNED TO WINE

It was a festive occasion, a wedding; Christ had honored it with His presence; He went there from no love of social enjoyment. He went there to bless the ordinance of marriage—one husband, one wife. He went there laying the foundations of the Christian religion, and saying to the Essenes: "I don't take your doctrine; I believe in marriage."

And the mother of Jesus came to Him and said the wine had given out.

The Apostle John said they had a number of vessels holding water.

Listen to the Gospel of St. John, chapter 2:

"And the third day there was a marriage in Cana of Galilee; and the mother of Jesus was there.

"And both Jesus was called, and His disciples, to the marriage.

"And when they wanted wine, the mother of Jesus saith unto Him, they have no wine.

"Jesus saith unto her, Mine hour is not yet come.

"His mother saith unto the servants, 'Whatsoever He saith unto you, do it.'

"And there were set there six waterpots of stone, after the manner of the purifying of the Jews, containing two or three firkins apiece [one-fourth of a barrel].

"Jesus saith unto them, 'Fill the waterpots with water.' And they filled them up to the brim.

"And He saith unto them, 'Draw out now, and bear unto the governor of the feast.' And they bear it.

"When the ruler of the feast had tasted the water that was made wine, and knew not whence it was; (but the servants which drew the water knew) the governor of the feast called the bridegroom.

"And saith unto him, 'Every man at the beginning doth set forth good wine; and when men have well drunk, then that which is worse, but thou hast kept the good wine until now.'

"This beginning of miracles did Jesus in Cana of Galilee, and manifested forth His glory; and His disciples believed on Him."

WEDDING AT HOUSE OF APOSTLE JOHN

According to Dummelow (in his One Volume Bible Commentary), the inference is the wedding was at the house of the Apostle John.

Dummelow also says, "Perhaps it was the occasion of Jesus' first visit to the evangelist's own house."

JESUS CONVERTED THE EQUIVALENT OF FOUR AND ONE-HALF BARRELS OF WATER INTO FOUR AND ONE-HALF BARRELS OF WINE

As the capacity of each waterpot was 3 firkins (or three-fourths of a barrel), the six waterpots held 4½ barrels of wine, as they were filled to the brim.

And it was good wine: "Thou hast kept the good wine until now."

CHRIST SYMPATHIZED WITH HUMAN NATURE

Christ sympathized with human nature, and in this miracle of Cana of Galilee He taught His disciples and the world that the Nazarites were not right when they eschewed the use of all wine; that the Essenes were not right when they denied the rite of marriage.

I say the use of the juice of the grape in moderation is ordained for all time to come.

It remained for Mohammed to teach the doctrine of absolute prohibition. Christ never taught it.

Take the Bible from beginning to end, and in three hundred and odd instances, I believe, in which the use of strong drink and wine is spoken of, it is only excess which is condemned.

ST. PAUL

St. Paul, writing to Timothy, said: "Take no more water, but take a little wine for your stomach's sake and for your many infirmities."

And when in prison at Rome, about to go to the amphitheater, where waiting him were lions' jaws and the mob were howling in the streets of Rome for his blood as that of a martyr, he wrote to the inhabitants of Colosse, in his epistle to the Colossians in answer to the Pythagoreans, Platonians, and Judaizers, who were all undertaking to say "eat this" and "drink that," "I tell you, brethren, let no man judge you what you shall eat or what you shall drink."

DEMOCRATIC AND DIVINE APPROVAL

Thus we have both democratic and divine approval of light wine and beer.

GOVERNOR SMITH'S POSITION ON MODIFICATION COULD BE ADVOCATED FROM ANY PULPIT IN AMERICA

The South will not forget that Governor Smith's position on the modification of the Volstead Act could be advocated from any pulpit in America.

IF AL WERE A PROTESTANT

The South will not forget that if Al Smith were a Protestant, all could be forgiven, and you would hear little further complaint about his being a "wet".

UNWILLING FOR THEIR BIGOTRY TO BE EXPOSED

The South will not forget that many of its eminent divines and churchmen are not entirely candid about Al Smith; that they are not courageous enough to come out in the open and state their "real objection"; that they are unwilling to have their bigotry and narrow religious fanaticism exposed to the withering blight of unfavorable comment—which makes it necessary to resort to "subterfuge" in an effort to "hide" their unreasoning attachment to their own belief and their intolerance of beliefs opposed to them.

HOW DIFFERENT AL SMITH

"'I dare swear he is no hypocrite, but prays from his heart.'"—(Shakespeare).

AMERICA DOES NOT BELONG TO ANY DENOMINATION

America does not belong to the Protestants any more than it belongs to the Jews or the Catholics. America is not "officially" even a "Christian" country—though most of us are Christians.

WOODROW WILSON'S FRIEND

The South will not forget that Al Smith was Woodrow Wilson's friend, that when that immortal was making his fight, was sailing back to France the next day to pursue his flaming ideal of peace on earth, that on the evening of March 4, 1919, at the Metropolitan Opera House in New York, Gov. Alfred E. Smith introduced President Woodrow Wilson to that great audience in these notable words:

"Whatever may be the cross-fire of opinion there is one thing that we are all agreed upon, and that is that America will not have completed her part in the great world conflict until she has done everything possible to prevent the recurrence of the death, the misery, the suffering, the waste, and the devastation that from time immemorial has followed in the wake of war. At the peace conference, to that task our President is applying his wonderful talents."

He told the mothers of our country that they were giving up their sons, "not only that the world might be made safe for democracy, but that there would never be another war." To the fulfillment of that promise he dedicated himself with all his heart and all his soul and all his strength and all his great ability.

As the applause died out a well-meaning lady in an adjoining box exclaimed: "What a giant Al Smith would be if he only had a college education." Whereupon I recalled that line of Arthur Brisbane's "Think of what four years at Harvard might have done to Abraham Lincoln."

CAN TRUST AL SMITH

The South can trust this gifted son of the northern democracy, Gov. Alfred Emanuel Smith, of New York, to do the right thing about "prohibition," about "religion," or any other question which may come to the desk of an American President.

WILL NOT TURN HER BACK

The South will not turn her back on such a friend.

THOMAS JEFFERSON FATHER OF RELIGIOUS FREEDOM

The South will not forget that when Thomas Jefferson drew his earthly will he directed (by his silence) that no mention should be made on the monument erected in his memory of the fact that he was minister to France, Governor of Virginia, Secretary of State, Vice President of the United States, or President of the United States.

Instead, that great philosopher ordered placed upon his tombstone these words:

HERE WAS BURIED
THOMAS JEFFERSON
AUTHOR OF
THE DECLARATION OF AMERICAN INDEPENDENCE
OF THE
STATUTE OF VIRGINIA FOR
RELIGIOUS FREEDOM AND THE
FATHER OF THE UNIVERSITY OF
VIRGINIA

[Author's note.—By way of answer to friendly inquiries as to his religious faith from many of the readers of his political articles, Mr. Jurney's family for 100 years have been Presbyterians, in which church he has "birthright" membership, and in which faith he is a firm believer.]

FILIBUSTER AND HEALTH ADDRESS BY SENATOR COPELAND

Mr. SHEPPARD. Mr. President, yesterday morning, at 9 o'clock, when the Senate had been in continuous session for 22 hours, or since 11 o'clock a. m. of the preceding day, when Senators were worn out by their all-night vigil in the Senate Chamber, the senior Senator from New York [Mr. COPELAND] had occasion to speak briefly over the radio on the subject of "Filibuster and health." I ask unanimous consent that his remarks may be published in the RECORD.

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

FILIBUSTER AND HEALTH

I have the feeling this morning that the rules of the United States Senate should be revised. That august body has been in continuous session since 11 o'clock yesterday morning. It is still in session at this hour of 9 o'clock a. m. We have been up all night.

Scores of tired, white-faced, white-lipped, middle-aged, and old men are kept from their beds in a test of physical endurance. At 4.45 this morning I counted in the galleries 52 persons, including three ladies, amazed and mute witnesses to the foolishness of this method of conducting the Nation's business.

After the sun rose the night workers and those on their way to business stopped in to gaze upon the spectacle. "The most dignified legislative body in the world," breaking all the laws of nature, did not look fit and fine as daylight streamed into the Chamber.

There is something wrong with the Rules of the Senate when it is possible for a handful of willful men to stop the wheels of legislation. Regardless of the merits of the cause for which they contend, there should be a better way to register their protest.

Legislators are under peculiar obligations to society. They are expected to pass laws for the promotion of the common welfare. They should themselves be worthy examples of the sort of citizenship they are seeking to establish.

What is more important to the welfare of our great Nation than to have the people made up of healthy, vigorous, right-living individuals? Rest, sleep, regular habits, and observance of nature's rules are essential to good health. The "grave, and reverend signiors" of the Senate should be examples of model conduct. They are not such examples when they outrage nature by such violent and unnatural methods of procedure.

The remedy for these recurring experiences is found in the adoption of the so-called "lame duck amendment," the Norris amendment. In effect it abolishes the short session and under its terms a Congress elected in November would be seated and begin work the 1st of January. No limit is placed upon adjournment and in consequence, without a fixed day of adjournment, there is no possibility of crowding into the few days at the end of the session a hopeless jam of legislation.

While the present session is a long session, the approaching political conventions produce the effect found in a short session—adjourning at a specified time, noontime the 4th of March. Legislators feel that they must adjourn next week; so the determined opponents to certain measures have their opportunity to talk to death any measure meeting their disapproval. Except in the presidential election year this painful situation would be impossible were the Norris amendment adopted.

This is not the time to discuss the legislative arguments in favor of such a reform. It is the time, however, to impress upon every one of the radio audience, including a stray Senator or two if they happen to be listening in, that there is such a thing as an orgy even though it may not be a drunken revelry in the ordinary sense.

In the conduct of every institution, as in the conduct of every individual life, there should be decent hours of work, a period for recreation, and abundant time for sleep and refreshment. In youth the tissues are elastic, the heart powerful, and all the organs resistant to an occasional indulgence in both late hours and exceptional festivities. But at that age, even, there must be no reckless waste of the physical power.

But when it comes to middle and advanced life it is not safe to indulge in sprees of any sort. Filibusters are neither dignified nor conducive to long life. On the contrary, they are distinctly hazardous to health and shortening of life.

People who stay up all night are inclined to indulge in frequent lunches of coffee and sandwiches. They fill their stomachs with unaccustomed food eaten at unaccustomed hours. There is nothing wrong with coffee and sandwiches when taken at the proper time. But when indulged in under the circumstances of this night of filibuster they upset the digestion and produce evil effects that days of abstemiousness will hardly correct.

By this time you will be convinced that my own digestion is impaired, and, of course, it is. But more than that, I am disgusted with myself and my colleagues that we should make such a spectacle of ourselves. To-morrow there will be an editorial in every newspaper in the United States condemning the Senate for its behavior. I shall say "Amen" to each of them.

I frankly confess to having had a leading, almost the sole, part in a filibuster when I first entered the Senate. I was bitterly opposed to surrendering the Isle of Pines to Cuba and voiced my indignation in an eight-hour speech. I hasten to add, however, that I did quit talking at 8 o'clock in the evening, so nobody lost an hour of sleep by being kept in the Senate through an all-night session. Indeed, I am convinced I accomplished little else than to promote the sleep of my colleagues during those long hours of useless talk; certainly most of them dozed through my speech.

That ordeal and the futility of it convinced me that there are better ways to accomplish legislation. It never pays any one of us to expend the precious fund of physical strength and energy by wasting it in any wanton and reckless manner.

Just as I left the Senate Chamber a few moments ago one of the official reporters handed me the transcript of a statement made by Senator STEIWER, of Oregon, which I quote:

"The hour is now 4.45 a. m. We are in the glory of the morning. The new day brings new hope. The fading night is a cloak worn thin, covering the sins and fears of yesterday. It is a time to pause and reflect. Sleep is man's best friend. It refreshes the weary and brings courage to faltering frailty. It restores the clearness of the mind. I think of Morpheus in terms of affection and endearment. If the Republic is safe, it is not because of our violation of nature's law; it is because the great majority have sense enough to go to bed."

To leave the shortcomings of the legislative body to which I belong, I wish I could impress upon every listener-in how important it is to guard the delicate machinery of the body. It is a sad mistake to abuse it, whether by intemperate living, intemperate drinking, or by intemperate eating. Any form of intemperance is sure to tear nerves, some of them so located, perhaps, as to impair forever the functions of organs or other bodily structures.

There is an old Latin motto, "Mens sana in corpore sano," freely translated as "A sound mind in a sound body." There can be no soundness of mind, with the alertness, vigor, and highest usefulness of intellect so essential to worthy service for humanity unless the body is soundly built and perfectly preserved.

As I view life, there are four factors of chief importance—sleep, fresh air, exercise, and proper food. But lazy men who never exercise hang on to life. Many a family survives vile ventilation. But nobody can live without sleep and nourishment. So, in the last analysis, sleep and food are the truly vital things.

If you will bear this truth in mind and apply it faithfully and unfailingly, you may be sure you will live long in the land the Lord thy God hath given thee.

Robert Southwell, a sixteenth century poet, put it beautifully when he sang:

"My mind to me an empire is,
"While grace affordeth health."

PROPOSED EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

Mr. SHIPSTEAD. Will the Senator withhold that motion for a moment?

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

The PRESIDING OFFICER (Mr. ODDIE in the chair). The clerk will call the roll.

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

Ashurst	Deneen	La Follette	Robinson, Ind.
Bingham	Fess	Locher	Sackett
Black	Fletcher	McKellar	Sheppard
Blaine	George	McMaster	Shipstead
Blease	Gerry	McNary	Shortridge
Borah	Glass	Metcalf	Simmons
Bratton	Hale	Moses	Smith
Brookhart	Harris	Neely	Steiwer
Broussard	Harrison	Norris	Stephens
Bruce	Hawes	Nye	Swanson
Capper	Hayden	Oddie	Tyson
Caraway	Heflin	Overman	Vandenberg
Copeland	Howell	Phipps	Walsh, Mass.
Couzens	Johnson	Pine	Walsh, Mont.
Curtis	Kendrick	Pittman	Warren
Cutting	Keyes	Reed, Mo.	Waterman
Dale	King	Reed, Pa.	Watson

Mr. McMASTER. I desire to announce that my colleague [Mr. NORBECK] is detained at home on account of illness.

Mr. BROUSSARD. My colleague, the senior Senator from Louisiana [Mr. RANSDELL] is detained from the Senate by illness.

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

The question is on the motion of the Senator from Kansas that the Senate proceed to the consideration of executive business.

Mr. JOHNSON. Mr. President——

Mr. CURTIS. Mr. President, a point of order.

Mr. JOHNSON. I wish to make a request for unanimous consent. Does the Senator from Kansas object to that?

Mr. CURTIS. I object to debate; I have no objection to the Senator making a request for unanimous consent.

Mr. JOHNSON. The Senator is not going to object to my request for unanimous consent; I will tell him that now.

Mr. CURTIS. No; I will not object to that.

Mr. JOHNSON. No; I will not permit the Senator to do so.

Mr. CURTIS. I object to debate.

Mr. JOHNSON. I am asking unanimous consent that the Senate before going into executive session shall vote upon two motions, one of which is pending and the other of which is to be made to displace the Boulder Dam bill. I am entitled to a vote upon those motions, and I demand it.

Mr. CURTIS. Mr. President, I object to debate; the motion is not debatable.

Mr. JOHNSON. I want to put before the Senate what it is.

Mr. CURTIS. I ask for a vote.

Mr. JOHNSON. I ask the Senate to refuse to go into executive session until votes on the motions to which I have referred shall be had.

Mr. CURTIS. Mr. President, this question is not debatable.

The PRESIDING OFFICER. The question is not debatable.

Mr. JOHNSON. I ask for the yeas and nays on the motion that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. The question is on the motion of the Senator from Kansas that the Senate proceed to the consideration of executive business, on which the Senator from California asks for the yeas and nays.

The yeas and nays were ordered.

Mr. McKELLAR. Mr. President, I rise to a parliamentary inquiry. Are we voting on the question of going into executive session?

The VICE PRESIDENT. The question is on the motion of the Senator from Kansas that the Senate proceed to the consideration of executive business.

The legislative clerk proceeded to call the roll.

Mr. SWANSON (when his name was called). I am paired with the senior Senator from Washington [Mr. JONES], who is absent because of illness. I have not been able to get a transfer, and therefore I can not vote. If at liberty to vote, I should vote "yea."

Mr. TYSON (when his name was called). I am paired with the junior Senator from West Virginia [Mr. GOFF]. I have not been able to get a transfer; and, not knowing how the Senator from West Virginia would vote, I withhold my vote. If able to get a transfer, I should vote "yea."

The roll call was concluded.

Mr. NEELY. On this question I am paired with the junior Senator from South Carolina [Mr. BLEASE]. I do not know how he would vote, and therefore I withhold my vote.

Mr. SWANSON. I transfer my pair with the senior Senator from Washington [Mr. JONES] to the senior Senator from Arkansas [Mr. ROBINSON], and will vote. I vote "yea."

Mr. REED of Pennsylvania (after having voted in the affirmative). I have a pair with the Senator from Delaware [Mr. BAYARD], which I transfer to the Senator from Massachusetts [Mr. GILLETT], and will allow my vote to stand.

Mr. TYSON. I transfer my pair with the junior Senator from West Virginia [Mr. GOFF] to the junior Senator from New Jersey [Mr. EDWARDS], and will vote. I vote "yea."

Mr. CURTIS. I desire to announce the following general pairs:

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from Idaho [Mr. GOODING] with the Senator from Montana [Mr. WHEELER];

The Senator from Maine [Mr. GOULD] with the Senator from Louisiana [Mr. RANSDELL];

The Senator from South Dakota [Mr. NORBECK] with the Senator from Texas [Mr. MAYFIELD];

The Senator from North Dakota [Mr. FRAZIER] with the Senator from New York [Mr. WAGNER];

The Senator from Vermont [Mr. GREENE] with the Senator from Washington [Mr. DILL]; and

The Senator from Minnesota [Mr. SCHALL] with the Senator from Oklahoma [Mr. THOMAS].

The result was announced—yeas 31, nays 36, as follows:

YEAS—31

Ashurst	Curtis	Hayden	Smith
Barkley	Deneen	King	Steck
Bingham	Edge	McKellar	Swanson
Borah	Fess	Metcalf	Tydings
Broussard	Fletcher	Overman	Tyson
Bruce	Gerry	Pine	Waterman
Caraway	Glass	Reed, Pa.	Watson
Couzens	Hawes	Sackett	

NAYS—36

Black	Hale	McMaster	Sheppard
Blaine	Harris	McNary	Shipstead
Bratton	Harrison	Moses	Shortridge
Brookhart	Heflin	Norris	Steiwer
Capper	Howell	Nye	Stephens
Copeland	Johnson	Oddie	Vandenberg
Cutting	Kendrick	Phipps	Walsh, Mass.
Dale	La Follette	Pittman	Walsh, Mont.
George	Locher	Reed, Mo.	Warren

NOT VOTING—27

Bayard	Goff	Mayfield	Simmons
Blease	Gooding	Neely	Smoot
Dill	Gould	Norbeck	Thomas
du Pont	Greene	Ransdell	Trammell
Edwards	Jones	Robinson, Ark.	Wagner
Frazier	Keyes	Robinson, Ind.	Wheeler
Gillett	McLean	Schall	

So the Senate refused to proceed to the consideration of executive business.

PROMOTIONS IN THE ARMY

The VICE PRESIDENT. The question is on the motion of the Senator from Pennsylvania [Mr. REED] that the Senate proceed to the consideration of House bill 12814.

Mr. LA FOLLETTE. I call for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. SWANSON (when his name was called). I have a pair with the senior Senator from Washington [Mr. JONES], who is detained from the Senate on account of illness. Not knowing how he would vote on this question, I withhold my vote. I will let this announcement stand for the rest of this session.

Mr. TYSON (when his name was called). I have a pair with the junior Senator from West Virginia [Mr. GOFF]. Not knowing how he would vote, I withhold my vote.

The roll call was concluded.

Mr. REED of Pennsylvania (after having voted in the affirmative). I have a pair with the Senator from Delaware [Mr. BAYARD]; but I make the same announcement as on the previous roll call, and will allow my vote to stand.

Mr. CURTIS. I desire to announce the following general pairs:

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from Idaho [Mr. GOODING] with the Senator from Montana [Mr. WHEELER];

The Senator from Maine [Mr. GOULD] with the Senator from Louisiana [Mr. RANSDELL];

The Senator from South Dakota [Mr. NORBECK] with the Senator from Texas [Mr. MAYFIELD];

The Senator from North Dakota [Mr. FRAZIER] with the Senator from New York [Mr. WAGNER];

The Senator from Vermont [Mr. GREENE] with the Senator from Washington [Mr. DILL]; and

The Senator from Minnesota [Mr. SCHALL] with the Senator from Oklahoma [Mr. THOMAS].

The result was announced—yeas 16, nays 51, as follows:

YEAS—16

Ashurst	Edge	McKellar	Simmons
Bingham	Fletcher	Metcalf	Steck
Bruce	Hayden	Moses	Warren
Caraway	King	Reed, Pa.	Waterman

NAYS—51

Barkley	Dale	Kendrick	Robinson, Ind.
Black	Deneen	La Follette	Sackett
Blaine	Fess	Locher	Sheppard
Blease	George	McMaster	Shipstead
Borah	Gerry	McNary	Shortridge
Bratton	Glass	Neely	Smith
Brookhart	Hale	Norris	Steiwer
Broussard	Harris	Nye	Stephens
Capper	Harrison	Oddie	Tydings
Copeland	Hawes	Phipps	Vandenberg
Couzens	Heflin	Pine	Walsh, Mass.
Curtis	Howell	Pittman	Walsh, Mont.
Cutting	Johnson	Reed, Mo.	

NOT VOTING—27

Bayard	Gooding	Norbeck	Thomas
Dill	Gould	Overman	Trammell
du Pont	Greene	Ransdell	Tyson
Edwards	Jones	Robinson, Ark.	Wagner
Frazier	Keyes	Schall	Watson
Gillett	McLean	Smoot	Wheeler
Goff	Mayfield	Swanson	

So the motion of Mr. REED of Pennsylvania was rejected.

NAVAL CONSTRUCTION

Mr. HALE. Mr. President, I now move that the Senate proceed to the consideration of House bill 11256, Order of Business No. 1022, the naval construction bill.

Mr. HARRISON and other Senators called for the yeas and nays, and they were ordered.

The VICE PRESIDENT. The Secretary will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TYSON (when his name was called). I have a pair with the junior Senator from West Virginia [Mr. GOFF], which I transfer to the junior Senator from New Jersey [Mr. EDWARDS], and vote "yea."

The roll call was concluded.

Mr. CURTIS. I desire to announce the following general pairs:

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from Idaho [Mr. GOODING] with the Senator from Montana [Mr. WHEELER];

The Senator from Maine [Mr. GOULD] with the Senator from Louisiana [Mr. RANSDELL];

The Senator from South Dakota [Mr. NORBECK] with the Senator from Texas [Mr. MAYFIELD];

The Senator from North Dakota [Mr. FRAZIER] with the Senator from New York [Mr. WAGNER];

The Senator from Vermont [Mr. GREENE] with the Senator from Washington [Mr. DILL]; and

The Senator from Minnesota [Mr. SCHALL] with the Senator from Oklahoma [Mr. THOMAS].

Mr. BROUSSARD. I desire to announce that my colleague the senior Senator from Louisiana [Mr. RANSDELL] is detained from the Senate by illness.

Mr. GLASS (after having voted in the negative). I have a pair with the senior Senator from Connecticut [Mr. MCLEAN]. He has not voted. Therefore I withdraw my vote.

Mr. SWANSON. I transfer my pair with the senior Senator from Washington [Mr. JONES] to the senior Senator from Arkansas [Mr. ROBINSON] and vote "yea."

The result was announced—yeas 22, nays 43, as follows:

YEAS—22

Ashurst	Edge	Metcalf	Swanson
Bingham	Gerry	Moses	Tydings
Blease	Hale	Reed, Pa.	Tyson
Broussard	Hayden	Sackett	Waterman
Bruce	King	Smith	
Caraway	McKellar	Steck	

NAYS—43

Barkley	Deneen	Locher	Robinson, Ind.
Black	Fess	McMaster	Sheppard
Blaine	Fletcher	McNary	Shipstead
Borah	George	Neely	Shortridge
Bratton	Harris	Norris	Simmons
Brookhart	Harrison	Nye	Stephens
Capper	Heflin	Oddie	Vandenberg
Copeland	Howell	Overman	Walsh, Mass.
Couzens	Johnson	Phipps	Walsh, Mont.
Curtis	Kendrick	Pine	Warren
Dale	La Follette	Pittman	

NOT VOTING—29

Bayard	Goff	Mayfield	Thomas
Cutting	Gooding	Norbeck	Trammell
Dill	Gould	Ransdell	Wagner
du Pont	Greene	Reed, Mo.	Watson
Edwards	Hawes	Robinson, Ark.	Wheeler
Frazier	Jones	Schall	
Gillett	Keyes	Smoot	
Glass	McLean	Steiwer	

So Mr. HALE's motion to proceed to the consideration of the bill was rejected.

INLAND WATERWAYS DEVELOPMENT

Mr. REED of Missouri. Mr. President, I think debate on House bill 13512 has been concluded, and I ask unanimous consent for its present consideration.

Mr. JOHNSON. If the Senator will yield, could that matter be determined by a roll call or by a determination at once in respect to the vote?

Mr. REED of Missouri. I hope so. If it leads to debate of any length I will withdraw it, if I get the unanimous consent.

Mr. JOHNSON. If it leads to no debate and the matter may be passed upon at once, I will ask unanimous consent temporarily to lay aside the pending business for that purpose.

Mr. HEFLIN. Let us vote, then.

Mr. EDGE. The request is for the consideration of what measure?

Mr. REED of Missouri. The measure affecting the barge line on the Mississippi River, which has been discussed to-day.

The VICE PRESIDENT. Is there objection?

Mr. REED of Pennsylvania. Reserving the right to object, does that include a vote on the amendment of the committee which had been offered by the Senator from North Carolina?

Mr. REED of Missouri. It would, unless it is withdrawn.

Mr. REED of Pennsylvania. Is it to be withdrawn?

Mr. REED of Missouri. I do not know.

Mr. FLETCHER. I do not think that amendment will lead to any debate.

Mr. SIMMONS. It was unanimously agreed to in the committee, and it is only for a survey.

Mr. REED of Pennsylvania. It calls only for a survey?

Mr. SIMMONS. That is all.

The VICE PRESIDENT. Is there objection to the request of the Senator from Missouri?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 13512) to amend the act entitled "An act to create the Inland Waterways Corporation for the purpose of carrying out the mandate and purpose of Congress, as expressed in sections 201 and 500 of the transportation act, and for other purposes," approved June 3, 1924, which had been reported from the Committee on Commerce with amendments, on page 4, line 24, after the word "facilities" and the comma, to strike out the words "or any unit thereof," and to add at the end of the bill a new section, as follows:

SEC. 3. The Secretary of War is authorized and directed to cause an investigation and survey to be made of the inland water route from Boston, Mass., to Beaufort, N. C., with a view to determining the amount of actual or potential commerce thereon and the feasibility and advisability of extending the service of the Inland Waterways Corporation to the waterways included in such route, or any section thereof, and to report thereon to the Congress as soon as practicable. He is authorized to pay the expenses of such a survey from the funds which may hereafter be appropriated for the purchase of stock in the Inland Waterways Corporation.

So as to make the bill read:

Be it enacted, etc., That section 2 of the act entitled "An act to create the Inland Waterways Corporation for the purpose of carrying out the mandate and purpose of Congress, as expressed in sections 201 and 500 of the transportation act, and for other purposes," approved June 3, 1924 (par. 152, ch. 5, title 49, Code of Laws of the U. S.; ch. 243, vol. 43, 360, U. S. Stat. L.), be, and the same is hereby, amended to read as follows:

"SEC. 2. The capital stock of the corporation shall be $15,000,000, all of which is hereby subscribed for by the United States. Such subscription shall be paid by the Secretary of the Treasury, within the appropriations therefor, upon call from time to time by the Secretary of War. Upon any such payment a receipt therefor shall be issued by the corporation to the United States, and delivered to the Secretary of the Treasury, and shall be evidence of the stock ownership of the United States. There is hereby authorized to be appropriated the sum of $10,000,000, in addition to the $5,000,000 heretofore authorized, for the purpose of paying such subscription."

SEC. 2. That section 3 of said act be, and the same is hereby, amended to read as follows:

"SEC. 3. (a) Until otherwise directed by Congress, the corporation shall continue the operation of the transportation and terminal facilities now being operated by or under the direction of the Secretary of War under section 201 of the transportation act, 1920, as amended, and shall continue to operate the facilities now being operated or that may hereafter be operated by it under the provisions of this act; and shall, as soon as there is an improved channel sufficient to permit the same, initiate and continue the water carriage heretofore authorized by law upon the Mississippi River above St. Louis.

"(b) When the improvement of any tributary or connecting waterway of the Mississippi River, not including the Ohio River, shall have been completed or advanced to the point where within two years thereafter there will have been substantially completed a sufficient and dependable channel for the safe operation of suitable barges and towboats thereon; and when the Chief of Engineers of the United States Army shall certify that fact to the Secretary of War, the Secretary of War shall thereupon cause a survey of such tributary or connecting waterway to be made for the purpose of ascertaining the amount of traffic, the terminal facilities, and the through routes and joint tariff arrangements with connecting carriers, that are or will, within such years, probably be available on such tributary or connecting waterway. As soon thereafter as such survey shall have been completed and a sufficient and dependable channel for the safe operation of suitable barges and towboats shall have been substantially completed, the Secretary of War may, if he finds from such survey that water transportation can, in the public interest, be successfully operated on such tributary or connecting waterway, extend the service of the Inland Waterways Corporation thereon as soon as the corporation shall have suitable facilities available therefor.

"(c) It is hereby declared to be the policy of Congress to continue the transportation services of the corporation until (1) there shall have been completed in the rivers where the corporation operates, navigable channels, as authorized by Congress, adequate for reasonably dependable and regular transportation service thereon; (2) terminal facilities shall have been provided on such rivers reasonably adequate for joint rail and water service; (3) there shall have been published and filed under the provisions of the interstate commerce act, as amended, such joint tariffs with rail carriers as shall make generally available the privileges of joint rail and water transportation upon terms reasonably fair to both rail and water carriers; and (4) private persons, companies, or corporations engage, or are ready and willing to engage, in common-carrier service on such rivers.

"(d) When the Secretary of War shall find that navigable channels and adequate terminals are substantially available as provided in paragraph (c) of this section, and when the interstate commerce commission shall report to the Secretary of War that joint tariffs with rail carriers have been published and filed as provided in said paragraph, the Secretary of War is hereby authorized to lease for operation under private management, or to sell to private persons, companies, or corporations, the transportation facilities, belonging to the corporation: *Provided*, That the facilities of the corporation shall not be sold or leased (1) to any carrier by rail or to any person or company directly or indirectly connected with any carrier by rail; or (2) to any person, company, or corporation who shall not give satisfactory assurance and agree, as part of the consideration for such sale or lease, that the facilities so sold or leased will be continued in the common-carrier service in a manner substantially similar to the service rendered by the corporation, together with ample security by bond or otherwise to insure the faithful performance of such agreement; or (3) until the same has been appraised and the fair value thereof ascertained and reported to the President by the Interstate Commerce Commission, and the sale or lease thereof has been approved by the President.

"(e) Any person, firm, or corporation, including the Inland Waterways Corporation, engaged or about to engage in conducting a common-carrier service upon the Warrior River or the Mississippi River, or any tributaries thereof, may apply to the Interstate Commerce Commission and obtain a certificate of public convenience and necessity in accordance with the provisions of section 1 of the interstate commerce act, as amended, and the Interstate Commerce Commission shall thereupon, by order, direct all connecting common carriers and their connections to join with such water carrier in through routes and joint rates with reasonable rules, regulations, and practices, as provided in paragraph (3) of section 15 of the interstate commerce act, as amended, and the commission shall, in such order, fix reasonable minimum differentials between all-rail rates and joint rates in connection with said water service to apply until changed by order of the commission. Such joint routes, rates, rules, regulations, and practices may be changed by order of the commission or by agreement of the water carriers and the other participating carriers. The commission shall further require the interested common carriers to enter into negotiations for the purpose of establishing equitable divisions of the aforesaid joint differential rates within 30 days after such joint rates are established, and if the carriers are unable to agree upon equitable divisions within 120 days from date of publication the commission shall, by order, determine and establish reasonable divisions to become effective coincident with the effective date of the joint rates. The commission is hereby given authority upon complaint, at once, and if it so orders without answer or other formal pleading by the interested carrier or carriers, but upon reasonable notice, to enter upon a hearing concerning (1) the reasonableness or lawfulness of any through route or joint rate filed pursuant to such order of the commission, or (2) the reasonableness of any minimum differentials between all-rail rates and joint rates in connection with any water service, or (3) the reasonableness of any division of joint rates ordered by the commission under the provisions of this act; and after full hearings the commission may make such order with reference to any such matters as it may find to be proper and in the public interest.

At any such hearing the burden of proof concerning the unreasonableness or unlawfulness of any through route, joint rate, minimum differentials between all-rail rate and joint rate in connection with water service, or division of joint rates shall be upon the carrier or carriers making the complaint; and the commission shall give the hearing and decision of such questions preference over all other questions pending before it, except such questions as are given like preference by law, and decide the same as speedily as possible: *Provided*, That if the Inland Waterways Corporation sells or leases its transportation facilities to any person, firm, or corporation to be operated as a common carrier, such person, firm, or corporation shall be entitled to a certificate of public convenience and necessity upon making application therefor; and all through traffic arrangements and joint tariffs, with rules, regulations, and practices in connection therewith, published by the Inland Waterways Corporation and filed with the Interstate Commerce Commission and participated in by other carriers shall remain in full force and effect between such carriers and the person, firm, or corporation purchasing or leasing such transportation facilities from the Inland Waterways Corporation and operating the same as common carriers until changed by order of the commission, except that such through-traffic arrangements and joint tariffs, with rules, regulations, and practices therewith, may be changed by mutual consent of the water carrier and the other participating carriers. Joint rail and water rates as herein used shall be deemed to include every movement of traffic in which a water line can participate.

"(f) The operation of the transportation and terminal facilities under this act shall be subject to the provisions of the interstate commerce act, as amended, and to the provisions of the shipping act, 1916, as amended, in the same manner and to the same extent as if such facilities were privately owned and operated; and all vessels of the corporation operated and employed solely as merchant vessels shall be subject to all other laws, regulations, and liabilities governing merchant vessels."

SEC. 3. The Secretary of War is authorized and directed to cause an investigation and survey to be made of the inland water route from Boston, Mass., to Beaufort, N. C., with a view to determining the amount of actual or potential commerce thereon and the feasibility and advisability of extending the service of the Inland Waterway Corporation to the waterways included in such route, or any section thereof, and to report thereon to the Congress as soon as practicable. He is authorized to pay the expenses of such a survey from the funds which may hereafter be appropriated for the purchase of stock in the Inland Waterways Corporation.

Mr. SMITH. Mr. President, before the vote is taken, do I understand now that the amendment offered by the Senator from North Carolina is a part of the measure to be voted on?

Mr. REED of Missouri. It will have to be voted upon as an amendment.

Mr. HEFLIN. If I understand the amendment, it provides simply for a survey and report.

Mr. REED of Missouri. That is all.

The VICE PRESIDENT. The question is on agreeing to the first committee amendment.

Mr. REED of Missouri. Mr. President, I was going to appeal to the Senator from North Carolina to withdraw the amendment in which he is interested, and I was going to assume the right to ask that the other be withdrawn, for this reason——

Mr. LA FOLLETTE. Mr. President——

Mr. REED of Missouri. Just one moment. I am afraid that if we amend this bill in any particular it will never get through the House at this session.

Mr. LA FOLLETTE. So far as I am concerned, I would rather see the measure fail than see the committee amendment on page 4 withdrawn.

Mr. REED of Missouri. All right. Let us vote.

The amendments were agreed to.

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

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

Mr. JOHNSON. I have no objection now.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 15 minutes spent in executive session the doors were reopened, and (at 6 o'clock and 15 minutes p. m.) the Senate adjourned until Monday, May 28, 1928, at 11 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate May 26 (legislative day of May 3), 1928

UNITED STATES DISTRICT JUDGE

Edward S. Vaught, of Oklahoma, to be United States district judge, western district of Oklahoma, vice John H. Cotteral, appointed circuit judge.

UNITED STATES ATTORNEYS

Anthony Savage, of Washington, to be United States attorney, western district of Washington, vice Thomas P. Revelle, resigned.

John L. Gay, of Porto Rico, to be United States attorney, District of Porto Rico. A reappointment, his term having expired.

UNITED STATES MARSHAL

Arthur Rogers, of Tennessee, to be United States marshal, western district of Tennessee. A reappointment, his term having expired.

PROMOTIONS IN THE NAVY

The following-named commanders to be commanders in the Navy, from the dates stated opposite their names, to correct the dates from which they take rank as previously nominated and confirmed:

Francis W. Scandland, April 1, 1927.
Franklin Van Valkenburgh, June 2, 1927.
Raleigh C. Williams, July 1, 1927.
Thalbert N. Alford, September 2, 1927.
Henry G. Cooper, jr., September 7, 1927.
Eugene M. Woodson, September 11, 1927.
James S. Spore, September 18, 1927.
Mark C. Bowman, October 2, 1927.
Percy T. Wright, October 7, 1927.
Jesse B. Oldendorf, November 1, 1927.
Ernest L. Gunther, November 14, 1927.
Augustine W. Rieger, November 16, 1927.

Lieut. Ralph U. Hyde to be a lieutenant commander in the Navy from the 16th day of May, 1928.

Lieut. (Junior Grade) Dallas Grover, jr., to be a lieutenant in the Navy from the 3d day of June, 1927.

Ensign Paul S. Crandall to be a lieutenant (junior grade) in the Navy from the 25th day of February, 1928.

POSTMASTERS

ALABAMA

Irene K. Petty to be postmaster at Irondale, Ala., in place of A. K. Jones. Incumbent's commission expired March 21, 1928.

Bettie T. Forster to be postmaster at Thomasville, Ala., in place of B. T. Forster. Incumbent's commission expired January 3, 1928.

Virgil V. Cornelison to be postmaster at Akron, Ala., in place of C. H. Ramey. Incumbent's commission expired April 21, 1928.

Samuel J. Tucker to be postmaster at Springville, Ala., in place of S. J. Tucker. Incumbent's commission expired May 20, 1928.

ARIZONA

Blaine W. Hugo to be postmaster at Clarkdale, Ariz., in place of B. W. Hugo. Incumbent's commission expires June 6, 1928.

CALIFORNIA

Charles F. W. Rapp to be postmaster at La Mesa, Calif., in place of C. F. W. Rapp. Incumbent's commission expires June 6, 1928.

Thurlow T. Workman to be postmaster at Bloomington, Calif., in place of J. T. Johndrew, resigned.

CONNECTICUT

Judson B. Griswold to be postmaster at Ivoryton, Conn., in place of J. B. Griswold. Incumbent's commission expired February 9, 1928.

Harry W. Walker to be postmaster at Simsbury, Conn., in place of M. E. McDonald, deceased.

FLORIDA

John B. Carlin to be postmaster at Saint Cloud, Fla., in place of J. B. Carlin. Incumbent's commission expires May 26, 1928.

ILLINOIS

Joseph H. Laws to be postmaster at Eureka, Ill., in place of Homer Darst. Incumbent's commission expired January 7, 1928.

Sherman Dorand to be postmaster at Ashland, Ill., in place of A. C. Huston. Incumbent's commission expired January 7, 1928.

S. Elmer Simpson to be postmaster at Carrollton, Ill., in place of S. E. Simpson. Incumbent's commission expired January 7, 1928.

George F. Batty to be postmaster at Greenfield, Ill., in place of G. F. Batty. Incumbent's commission expired January 7, 1928.

Samuel T. Little to be postmaster at Hillsboro, Ill., in place of S. T. Little. Incumbent's commission expires June 6, 1928.

KANSAS

George W. Gerardy to be postmaster at Hanover, Kans., in place of S. W. Jones. Incumbent's commission expired December 18, 1927.

KENTUCKY

Frank W. Rice to be postmaster at Wilmore, Ky., in place of F. W. Rice. Incumbent's commission expired January 17, 1928.

LOUISIANA

Chester C. Heinemann to be postmaster at Rayville, La., in place of C. C. Heinemann. Incumbent's commission expired January 7, 1928.

MICHIGAN

Estella R. Newcomb to be postmaster at Le Roy, Mich., in place of E. R. Newcomb. Incumbent's commission expired March 18, 1928.

MISSISSIPPI

David J. Crawford to be postmaster at Durant, Miss., in place of P. W. King. Incumbent's commission expired January 17, 1928.

Noah D. Robinson to be postmaster at Columbus, Miss., in place of Prentice O'Rear, removed.

Robert O. Norris to be postmaster at Moorhead, Miss., in place of Clarence Laughter, removed.

NEBRASKA

Trevelyan E. Gillaspie to be postmaster at Lincoln, Nebr., in place of W. L. McClay, deceased.

Leo E. Kraft to be postmaster at Unadilla, Nebr. Office became presidential July 1, 1927.

NEW HAMPSHIRE

Mina Ouillette to be postmaster at Cascade, N. H., in place of W. E. Mayo, resigned.

NEW YORK

H. Greeley Brown to be postmaster at Otego, N. Y., in place of A. L. Hunt. Incumbent's commission expired January 8, 1928.

OHIO

Strawder W. McNeill to be postmaster at Frankfort, Ohio, in place of E. H. Koger. Incumbent's commission expired December 19, 1927.

Oscar W. Priddy to be postmaster at Van Wert, Ohio, in place of F. A. Gamble, deceased.

OKLAHOMA

Charles W. Holly to be postmaster at Catoosa, Okla., in place of L. E. Whitman, removed.

OREGON

James B. Kirk to be postmaster at The Dalles, Oreg., in place of Simeon Bolton, deceased.

PENNSYLVANIA

Arthur E. Shannon to be postmaster at Beaverdale, Pa., in place of A. W. Leech. Incumbent's commission expired January 23, 1928.

Stanley L. Campbell to be postmaster at New Albany, Pa., in place of S. L. Campbell. Incumbent's commission expires June 6, 1928.

Cornelius L. Corson to be postmaster at Willow Grove, Pa., in place of C. L. Corson. Incumbent's commission expires June 6, 1928.

M. Grace Gingery to be postmaster at Woodland, Pa., in place of M. G. Gingery. Incumbent's commission expired January 17, 1928.

Judson G. Young to be postmaster at Falls Creek, Pa., in place of J. N. Ritchey, removed.

William C. James to be postmaster at Mahanoy City, Pa., in place of J. H. Kirchner, resigned.

Glen H. Roberts to be postmaster at South Montrose, Pa., in place of F. E. Barron, deceased.

SOUTH DAKOTA

Peder A. H. Hagen to be postmaster at Revillo, S. Dak., in place of P. A. H. Hagen. Incumbent's commission expired January 31, 1928.

TEXAS

Gilbert McGloin to be postmaster at Corpus Christi, Tex., in place of O. D. Holleman, resigned.

VERMONT

George E. King to be postmaster at Barton, Vt., in place of G. E. King. Incumbent's commission expired January 3, 1928.

Cecile M. Beaton to be postmaster at South Ryegate, Vt., in place of M. J. Hall, resigned.

VIRGINIA

Charles E. Virts to be postmaster at Lovettsville, Va., in place of R. L. Grubb, resigned.

WASHINGTON

Julia Enger to be postmaster at Toledo, Wash., in place of G. W. Boone, removed.

WYOMING

Elizabeth Murphy to be postmaster at Edgerton, Wyo., in place of N. D. Sherman, resigned.

Neletta P. Howard to be postmaster at Manville, Wyo., in place of N. P. Howard. Incumbent's commission expired May 20, 1928.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 26 (legislative day of May 3), 1928

DIPLOMATIC AND FOREIGN SERVICE

Coert du Bois to be Foreign Service officer, class 3.
Dana G. Munro to be Foreign Service officer, class 3.
Herschel V. Johnson to be Foreign Service officer, class 4.
R. A. Wallace Treat to be Foreign Service officer, class 5.

UNITED STATES DISTRICT JUDGE

George C. Taylor to be United States district judge, eastern district of Tennessee.

UNITED STATES DISTRICT ATTORNEY

Ross R. Mowry to be United States attorney, southern district of Iowa.

APPOINTMENT, BY TRANSFER, IN THE REGULAR ARMY

SIGNAL CORPS

Maj. Leon Edward Ryder, Cavalry.

PROMOTIONS IN THE REGULAR ARMY

To be colonel

Lieut. Col. Edgar Simon Stayer, Quartermaster Corps.

To be lieutenant colonels

Maj. Edward Lorenzo Hooper, Infantry.
Maj. Stanley Koch, Cavalry.
Maj. Irving Joseph Phillipson, Infantry.

To be majors

Capt. Richard Lawrence Creed, Cavalry.
Capt. James Cobb Hutson, Coast Artillery Corps.
Capt. John Frederick Ehlert, Infantry.

To be captains

First Lieut. Willard Warren Scott, Coast Artillery Corps.
First Lieut. Leonard Louis Davis, Coast Artillery Corps.
First Lieut. Webster Fletcher Putnam, jr., Coast Artillery Corps.

To be first lieutenants

Second Lieut. Cecil Ward Nist, Infantry.
Second Lieut. Robert Chaffee Oliver, Field Artillery.
Second Lieut. James Eugene Bernard McInerney, Infantry.
Second Lieut. Francis Arthur Garrecht, jr., Field Artillery.
Second Lieut. Frank Dorn, Field Artillery.

POSTMASTERS

ALABAMA

Eason K. Wood, Calera.
James P. Aaron, Camp Hill.
Ira C. Chapman, Deatsville.
George B. Pickens, Moundville.
Oscar Sheffield, Pine Hill.
Ethel M. Fowler, Theodore.
Andrew J. Bass, jr., Trussville.

ARKANSAS

Roy Hill, Strong.

CALIFORNIA

Marion W. Bessom, Lawndale.
William N. Friend, Oakland.
Clyde W. Holbrook, Venice.

COLORADO

Henry M. Newkirk, Swink.
Oscar L. Morris, La Salle.

CONNECTICUT

Harry K. Taylor, Hartford.
Margaret C. Kelly, Noroton.
Thomas J. Crockett, Unionville.

GEORGIA

Alva W. Haddock, Douglas.
Ella M. Withrow, Odum.

IDAHO

Leslie A. Baskett, Nezperce.

ILLINOIS

Ira D. Lakin, Vandalia.

INDIANA

T. M. Long, Butler.
Cora Lucas, New Haven.
Pearl B. McCord, Winslow.

KANSAS

Nettie P. Anderson, Hudson.
Walter M. Wheatcroft, Utica.

KENTUCKY

James I. Harlan, Barlow.
Howard C. Pentecost, Corydon.
Clyde S. England, Russell.
Mollie L. Nolan, Harlan.

LOUISIANA

Edward S. Rogers, Berwick.
Jesse L. Beasley, Harrisonburg.
Fred E. Callaway, Jonesboro.
James M. Coan, Sicily Island.
Isidore A. Currault, Westwego.

MARYLAND

Harry M. Carroll, Federalsburg.
Joseph O. Bernard, Greensboro.
Eunice W. Dement, Indianhead.
George S. Stevens, Millington.
Elmore H. Owens, Perryville.
Robert L. Hall, Pocomoke City.
Clare N. Payne, Preston.
Allan Urie, Rock Hall.
John F. Mansfield, St. Michaels.
Esther C. Baker, Woodbine.

MASSACHUSETTS

John A. Bell, Leicester.
Aloysius B. Kennedy, Rochdale.

MICHIGAN

Nettie C. Grayson, Pellston.

MINNESOTA

Charles L. Coy, Alexandria.
Edne O. Thorson, Chatfield.
Eda M. Ashbaugh, Murdock.
George Leng, Grand Marais.
Ross Andrews, Meadowlands.
Ralph G. Hosfield, Medford.
Elizabeth Paul, Wykoff.

MISSOURI

Fred Robinette, Bolckow.
Louis N. Walker, Holmes Park.
John L. Wilkinson, Piedmont.
Lester C. Boyles, Urich.
Charles H. Duncan, Tarkio.

NEBRASKA

Carl P. Smiley, Beaver Crossing.
J. Ned Allison, Gering.
Lewis L. Swindell, Mascot.
Given G. Reber, Naper.
Robert L. Hart, Cozad.
Jacob H. Jimerson, Liberty.
William M. Baskin, Stapleton.

NEW HAMPSHIRE

John H. Garvin, jr., Sanbornville.

NEW JERSEY

Tobias V. Chieffo, Cliffside.

NEW YORK

Clarence E. Snyder, Glenfield.
Manford J. Pfister, Great Bend.
William L. Froehley, Hamburg.
Mabel L. Morse, Portland.

NORTH CAROLINA

Clarence S. Prevette, Blowing Rock.
Julia B. Greer, Moravian Falls.
George A. Woods, Nazareth.

OHIO

Lester J. Matson, Maynard.

OKLAHOMA

Lee Hilton, Barnsdall.
Jeane H. Sisson, Mounds.
Louis G. Scott, Stroud.
Adrian J. Brown, Bixby.
James A. Todd, Calumet.
Maude S. Chambers, Jenks.

OREGON

William D. Hardesty, Freewater.
Eugene Bedell, Alsea.

PENNSYLVANIA

George A. Simon, Arnold.
Clifford G. Chase, Butler.
Edward R. Dithrich, Coraopolis.
Clyde S. McNeely, Dauphin.
Glenn V. Rice, Eldred.
John H. Lyter, Elizabethville.
Thomas W. Watkins, Frackville.
John P. Rodger, Hooversville.
Thomas V. Partridge, Houtzdale.
Homer D. Sarge, Pine Grove.
Ella Hill, Roulette.
William W. Thorn, St. Clair.
Homer B. Asheld, Tunkhannock.
Walter D. Lewis, Ulysses.
Wilferd R. Troxel, Aliquippa.
Leon E. Mayer, Boyertown.
Leroy W. Keisling, Valley View.

SOUTH CAROLINA

Samuel B. Cartledge, Batesburg.
Nettie C. Moore, Honea Path.
Sarah C. Starnes, Ridgeway.
Benjamin D. Bedell, Ridgeland.

SOUTH DAKOTA

Benjamin D. Kidman, Big Stone City.
John W. Coverdale, Elk Point.
Hattie L. Meyer, Florence.
Francis Smidt, Freeman.
Alton E. Lewis, Henry.
Lucy Wright, Hoven.
C. Albert Zeitner, Mission.
Albert Koehne, Oldham.
Leroy F. Lemert, Spencer.
Edna L. Brown, Timber Lake.
Charles Sundling, Vermilion.
Howard R. Mortenson, Viborg.
Lewis W. Ford, Wakonda.
Will C. Bromwell, Wessington Springs.
Rose B. Flahart, White Lake.

TENNESSEE

Anthony R. Atkerson, Columbia.

TEXAS

Azro C. Oyler, Edinburg.
Helen Newton, Morgan.
John W. Stegall, Holliday.

VIRGINIA

Samuel R. Gault, Scottsville.
McClung Patton, Lexington.
Russell L. Davis, Rockymount.

WASHINGTON

Rose M. Illy, Uniontown.
William F. Cantrell, Toppenish.

WEST VIRGINIA

Charles B. Wright, Minden.

WISCONSIN

Orestes K. Hawley, Baldwin.
Castor H. Kuehl, Brillion.
Earl H. Herbert, Coleman.

John A. Dickerson, Edgerton.
Frank M. LeCount, Hartford.
Adolph R. Mill, Kaukauna.
Conrad Baetz, Two Rivers.
Clyde C. Harris, Waupun.

REJECTION

Executive nomination rejected by the Senate May 26 (legislative day of May 3), 1928

POSTMASTER

WISCONSIN

Robert L. Raymond, Campbellsport.

HOUSE OF REPRESENTATIVES

SATURDAY, *May 26, 1928*

The House met at 11 o'clock a. m.

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

O Spirit of the Most High, come with us that we may not forget Thee and the lessons of life. Through them all run Thy plan and purpose which Thou hast ordained. We suffer that we may achieve, we fail that we may strive, we weep that we may know the joy of laughter, and we doubt that we may think. We thank Thee for every sentiment and for every agency that work for the unity of our fellow citizens; we praise Thee for every discovery in the realms of human endeavor that blesses and uplifts the races of men. Holy Spirit, crowd out of our beings all prejudice and evil desire, that we may hasten the day when all men shall be brothers. Let the skies of the world be cleared and all ominous clouds rifted, and let the altars of the Prince of Peace be compassed by the peoples of the earth. This day may we make gains in wisdom, in knowledge, in forbearance, and self-control. At its close may we rest calmly in the secret of Thy presence. 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. 4963. An act for the relief of the Randolph-Macon Academy, Front Royal, Va.;

H. R. 10714. An act for the relief of T. Abraham Hetrick;

H. R. 12110. An act to amend the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922, as amended;

H. R. 13446. An act to amend the national defense act;

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

H. J. Res. 318. 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).

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

H. R. 10487. An act to amend the World War adjusted compensation act, as amended; and

H. R. 12352. An act to require certain contracts entered into by the Secretary of War, or by officers authorized by him to make them, to be in writing, and for other purposes.

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

S. 4466. An act to authorize the Secretary of War to grant to the New York Central Railroad Co., its successors or assigns, a perpetual easement extending across Constitution Island on the West Point Military Reservation, N. Y., for railroad purposes; and

S. Con. Res. 15. Concurrent resolution authorizing expenditures in connection with the consideration of the purchase by the Government of the rights to the use of the Harriman Geographic Code System.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13873) entitled "An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1928, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1928, and June 30, 1929, and for other purposes."

EDMUND F. HUBBARD

Mr. WOODRUM. Mr. Speaker, I ask unanimous consent for the present consideration of H. R. 14057, for the relief of Edmund F. Hubbard.

The SPEAKER. The gentleman from Virginia asks unanimous consent for the present consideration of House bill 14057. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to summon Edmund F. Hubbard, late captain of Infantry of the Regular Army of the United States, before a retiring board for the purpose of a hearing of his case and conducting such physical examinations as to the said board may seem proper and to inquire into and determine all the facts touching on the nature of his disabilities and to find and report the disabilities which in its judgment has produced his incapacity and whether his disabilites are an incident of service; that upon the findings of such a board the President is further authorized, in his discretion, either to confirm the order by which the said Edmund F. Hubbard was discharged or, in his discretion, to nominate and appoint, by and with the advice and consent of the Senate, the said Edmund F. Hubbard a captain of Infantry and place him immediately thereafter upon the retired list of the Army, with the same privileges and retired pay as are now or may hereafter be provided by law or regulation for the officers of the Regular Army: *Provided*, That the said Edmund F. Hubbard shall not be entitled to any back pay or allowances by the passage of this act.

The SPEAKER. Is there objection to the present consideration of the bill?

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 the vote by which the bill was passed was laid on the table.

BANK PROTECTION AND CONTROL OF FLOODS ON THE MISSOURI RIVER

Mr. HOWARD of Nebraska. Mr. Speaker, I ask unanimous consent for the present consideration of Senate Joint Resolution 80, authorizing an appropriation for bank protection for the control of floods and the prevention of erosion on the Missouri River at or near the town of Niobrara, in the State of Nebraska.

The SPEAKER. The gentleman from Nebraska asks unanimous consent for the present consideration of Senate Joint Resolution 80, which the Clerk will report.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection?

Mr. SNELL. Mr. Speaker, reserving the right to object, I think we ought to have an explanation of what this is.

Mr. HOWARD of Nebraska. I will be glad to make an explanation. The situation is just this, Mr. Speaker: The Missouri River, at and near Niobrara, has destroyed several thousand acres of wonderful corn land and has destroyed already a part of the incorporated city of Niobrara, and the whole of it is endangered. The resolution passed the Senate unanimously upon the showing of the instant emergency connected therewith, and if it were not a vast emergency I should not, in the closing hours, ask the consent of the Speaker to move for its immediate consideration.

Mr. SNELL. How much does the bill authorize, and what is it proposed to do?

Mr. HOWARD of Nebraska. The resolution authorizes the appropriation of $250,000, one-third of which is to be paid by the people benefited.

Mr. SNELL. Has it been considered by any committee of the House?

Mr. HOWARD of Nebraska. It has not. I did not have time to get it before the committee, but I have talked with a great many members of the committee, and not one has lodged a protest against the resolution.

Mr. SNELL. Are there not many cases along the banks of the Missouri River where there has been erosion and the banks worn away?

Mr. HOWARD of Nebraska. I do not know of any place along the river where a whole city or village is endangered as in this case. I understand the surveys have already been made and that the Government is ready to go to work immediately.

Mr. SNELL. Is not this rather unusual?

Mr. HOWARD of Nebraska. It is unusual; and I will say frankly that I would not under any circumstances present it to the House under a unanimous-consent request save only for the instant and vital emergency which exists.

Mr. SNELL. When did this happen? Has not this been going on for some time?

Mr. HOWARD of Nebrsaka. Yes; it has.

Mr. SNELL. Then it is not an immediate emergency. Why was it not presented to the committee?

Mr. HOWARD of Nebraska. The reason it was not presented to our committee is the fact that it passed the Senate only Wednesday night, although it has been pending for some time.

Mr. SNELL. This is a very unusual procedure, and I wish the gentleman would withdraw his request for a little while so that we may look into the matter.

Mr. HOWARD of Nebraska. I will be glad to do that, but I am quite satisfied that any gentleman who will hear the story of the emergency at Niobrara will agree with me that the legislation ought to be quickly enacted; but at the request of the gentleman from New York I withdraw my request for the present.

DEATH OF HON. CHARLES G. WASHBURN

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

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

There was no objection.

Mr. LUCE. Mr. Speaker, it is with sincere sorrow, springing from the severance of long friendship, that I inform the House of the death yesterday of the Hon. Charles G. Washburn, of Worcester, Mass. Mr. Washburn served in this body through a part of the Fifty-ninth Congress and then in the Sixtieth and in the Sixty-first Congresses. He had been conspicuous in the service of his fellow citizens in our legislature and later was an influential member of a constitutional convention. He possessed one of the finest intellects that ever came under my observation. In the noblest sense of the word he was a gentleman—dignified, courteous, considerate, kindly, gracious. He had been a classmate of Theodore Roosevelt, and he was intimate with Mr. Roosevelt throughout Mr. Roosevelt's life.

Fittingly, the stroke which deprived him of consciousness came while he was attending a gathering concerned with the affairs of the Episcopal Church, to which he had given much of his strength and attention. For church and state he labored assiduously. In his death the Commonwealth of Massachusetts loses one of her best citizens and the Nation one who had been a wise counsellor.

HISTORICAL MUSEUM AT FORT DEFIANCE, OHIO

Mr. LUCE. Mr. Speaker, I call up the conference report on the joint resolution (S. J. Res. 82) providing for the erection of a public historical museum on the site of Fort Defiance, Defiance, Ohio.

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 House to the joint resolution (S. J. Res. 82) entitled "Joint resolution providing for the erection of a public historical museum on the site of Fort Defiance, Defiance, Ohio," 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 amendments of the House numbered 1 and 4.

Amendment numbered 2: That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with amendment as follows: Page 2, line 2, strike out the words "and the proper official of the county of Defiance, Ohio," so that the amendment will read "in selecting."

Amendment numbered 3: That the Senate recede from its disagreement to the amendment of the House numbered 3, and agree to same with amendment as follows: Page 2, line 11, strike out the words "and the county of Defiance, Ohio, the sum of $25,000," so that the amendment will read "the sum of $50,000."

And the House agree to the same.

ROBERT LUCE,
JOHN C. ALLEN,
F. M. DAVENPORT,
RALPH GILBERT,
Managers on the part of the House.

SIMEON D. FESS,
R. B. HOWELL,
KENNETH MCKELLAR,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 82), submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

The only change made in the resolution, as agreed on by the conference committee, is to omit therefrom all reference to the county of Defiance, Ohio. The resolution now provides for appropriation of $50,000 by the State of Ohio and $25,000 by the United States, making the total amount $75,000 instead of $100,000 as originally provided.

ROBERT LUCE,
JOHN C. ALLEN,
FREDERICK M. DAVENPORT,
RALPH GILBERT,
Managers on the part of the House.

The conference report was agreed to.

APPOINTMENT OF MIDSHIPMEN BY THE VICE PRESIDENT

Mr. BRITTEN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2802) to provide for the appointment of midshipmen at large by the Vice President of the United States.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the present consideration of the bill which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That hereafter there shall be allowed at the United States Naval Academy, in addition to those allowed by existing law, midshipmen appointed at large by the Vice President of the United States, equivalent in number to those allowed for each United States Senator.

Mr. BRITTEN. Mr. Speaker, this bill merely authorizes the Vice President to appoint to the Naval Academy an equal number of boys as are now allowed to each Senator. It has been unanimously reported by the House committee and is on the calendar.

Mr. McCLINTIC. Reserving the right to object, Mr. Speaker, I would like to ask my colleague a question. Does this bill increase the number of midshipmen that are to be sent to the Naval Academy?

Mr. BRITTEN. Only to the extent of the four that will be authorized for the Vice President, he being an elective officer.

Mr. McCLINTIC. In other words, this only increases the number four?

Mr. BRITTEN. That is all.

Mr. GARNER of Texas. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman the object of this legislation, placing these appointments in the hands of the Vice President instead of adding them to the number appointed by the President. Is it for the purpose of making the office of Vice President more attractive:

Mr. BRITTEN. No; the office of Vice President being an elective one, he has never had the privilege before of making appointments to the Naval Academy.

Mr. GARNER of Texas. That does not answer the question. The Presidency of the United States is also an elective office. I am trying to ascertain whether this is for the purpose of making the office of Vice President more attractive.

Mr. BRITTEN. If there is anything that will make it more attractive, the House certainly ought to assist.

Mr. GARNER of Texas. Well, that may be so.

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

There was no objection.

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

A motion to reconsider was laid on the table.

ELECTION OF PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES, ETC.

Mr. BEERS. Mr. Speaker, I present a privileged resolution from the Committee on Printing.

The Clerk read as follows:

House Resolution 225

Resolved, That the proceedings and debate in the House of Representatives on the joint resolution (S. J. Res. 47) proposing certain amendments to the Constitution to change the dates of the terms of the President and Vice President of the United States, and Senators and Representatives of the National Congress, be printed, as may be directed by the Joint Committee on Printing, as a House document, and that 1,000 additional copies be printed for the House document room and 4,500 copies for the use of the House of Representatives.

The resolution was agreed to.

INCOME TAX IN GREAT BRITAIN

Mr. BEERS. Mr. Speaker, I present another resolution from the Committee on Printing.

The Clerk read as follows:

House Resolution 195

Resolved, That the manuscript entitled "Income Tax in Great Britain, Including a Description of Certain Other Inland Revenue Taxes," prepared for the Joint Committee on Internal Revenue Taxation by Andre Bernard, of the legislative reference service of the Library of Congress, be printed as a House document.

Mr. GARNER of Texas. Mr. Speaker, what is the matter with the joint committee which is authorized to have printing done? I do not see any reason why the gentleman should come in here with such a resolution when the joint committee itself determines what it wants to print and has the power of having it printed. I can not see the reason for this resolution. It is propaganda that is being put forth by the Treasury and I do not believe it ought to be permitted.

Mr. SNELL. This is a privileged report.

Mr. GARNER of Texas. If it is a privileged report, of course, I can not help myself, but I want to enter my protest now against adopting this privileged report which purports to give information and to authorize printing which the joint committee has power to do now.

Mr. HAWLEY. Will the gentleman yield?

Mr. GARNER of Texas. Yes.

Mr. HAWLEY. The joint committee will have copies of this printed for its own use, but the purpose of printing it as a House document is to afford the House of Representatives and the Senate, as well as the officials of the Government, this information which is not available in any other form.

Mr. GARNER of Texas. Has the joint committee taken any action toward asking for this to be printed as a House document?

Mr. HAWLEY. Not formally.

Mr. GARNER of Texas. We had up the question of printing and discussed it at length.

Mr. BEERS. That is what this resolution asks for.

Mr. GARNER of Texas. Yes; this resolution asks for it, but I am talking about the joint committee.

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

The resolution was agreed to.

HEARINGS OF THE COMMITTEE ON EDUCATION

Mr. BEERS. Mr. Speaker, I present another privileged resolution (H. Con. Res. 40).

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That, in accordance with paragraph 3 of section 2 of the printing act approved March 1, 1907, the Committee on Education of the House of Representatives be, and is hereby, empowered to have printed 10,000 copies of the hearings held before the committee during the current session, on the bill (H. R. 7) to create a department of education, of which 1,000 copies shall be for the use of the Senate and 9,000 copies for the use of the House to be equally allotted to the Members through the folding room.

With the following committee amendments:

Page 1, line 5, after the word "printed," insert the words "with illustrations"; page 1, line 8, strike out "1,000 copies shall be for the use of the Senate and 9,000 copies for the use of the House, to be equally allotted to the Members through the folding room" and insert in lieu thereof the following: "the Public Printer shall deliver 1,000 copies to the folding room of the Senate and 9,000 to the folding room of the House of Representatives for equal apportionment to the Members of each House, respectively."

Mr. SNELL. Will the gentleman yield for a question? What is the need of this?

Mr. BEERS. I will ask the gentleman from New York to answer that.

Mr. REED of New York. There are 10,000 libraries in the United States, and the libraries want this. They have asked for them through the Members of the House. To make this perfectly clear, before the resolution came up, in order to aid the committee which passed on the resolution, the Joint Committee on Printing, I wrote to each Member of the House and asked him how many demands he had on his desk at the present time—not how many he expected to have—and we are only asking for the number which the Members now want to fill the demands they have on their desks.

Mr. SNELL. Is this to increase the propaganda for a department of education in Washington?

Mr. REED of New York. It is simply a matter of information. Both sides were heard completely and both sides want this for their own information.

Mr. SNELL. If it is just to increase the amount of propaganda being sent out, I would oppose the resolution.

Mr. LAGUARDIA. What are the illustrations?

Mr. BEERS. Just some charts that must go with it, that will cost about $9 or $10.

Mr. REED of New York. They are just little charts showing the various costs of education.

Mr. LAGUARDIA. Just charts?

Mr. REED of New York. Yes; that is all. It will amount to $9.50.

The committee amendments were agreed to.

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

Mr. GARNER of Texas. Mr. Speaker, I do not want it to show that this resolution passed by unanimous consent.

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

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

The question was taken; and on a division (demanded by Mr. GARRETT of Texas) there were 146 ayes and 21 noes.

So the resolution was agreed to.

THE REVENUE BILL

Mr. HAWLEY. Mr. Speaker, I call up the report on H. R. 1, the revenue bill, and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Oregon calls up the conference report on H. R. 1 and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement.

The conference report is 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. 1) to reduce anl equalize taxation, provide revenue, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 8, 13, 21, 24, 25, 26, 27, 28, 36, 54, 81, 82, 88, 139, 149, 175, 176, 191, 192, 194, 195, 196, 197, 198, 199, and 200.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 5, 6, 7, 11, 12, 14, 16, 17, 18, 19, 20, 22, 23, 29, 30, 31, 32, 34, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 55, 56, 57, 58, 59, 60, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 76, 77, 78, 79, 80, 83, 84, 85, 86, 87, 89, 90, 92, 93, 94, 95, 96, 97, 98, 100, 101, 103, 104, 105, 106, 107, 108, 109, 110, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 131, 132, 133, 134, 135, 136, 137, 138, 140, 141, 142, 143, 144, 145, 146, 147, 148, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 177, 178, 179, 180, 181, 182, 183, 184, 185, 188, 189, 193, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 221, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"SEC. 404. Credit of gift tax and a period"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: Omit the matter proposed to be inserted and restore the matter proposed to be stricken out by the Senate amendment, and on page 6 of the House bill strike out the sixth line under the heading "Title IV—Administrative Provisions," and in lieu thereof insert the following:

"SEC. 605. Retroactive regulations and a period"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"SEC. 702. Basis of property upon sale by estate—retroactive.
"SEC. 703. Deduction of estate and inheritance taxes—retroactive.
"SEC. 704. Taxability of trusts as corporations—retroactive.
"SEC. 705. Installment sales—retroactive.
"SEC. 706. Contributions to charity—retroactive.
"SEC. 707. Income tax on sale of vessels built before 1914.
"SEC. 708. Definition of the term 'motor boat.'
"SEC. 709. Remission or mitigation of forfeitures.
"SEC. 710. Refunds and credits to be referred to joint committee.
"SEC. 711. Commissioners of Court of Claims.
"SEC. 712. Bureau of Internal Revenue—details to Washington.
"SEC. 713. Salaries of collectors of internal revenue.
"SEC. 714. Repeals.
"SEC. 715. Separability clause.
"SEC. 716. Effective date of act."

And a period.

And the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "12 per cent"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: Omit the matter proposed to be inserted by the Senate amendment and on page 224 of the House bill, after line 8, and after the section inserted by Senate amendment 215, insert the following:

"SEC. 706. CONTRIBUTIONS TO CHARITY—RETROACTIVE.

"In computing the net income of any individual, other than a nonresident alien, for the taxable year 1923, there shall be allowed as a deduction (subject to the percentage limitation prescribed by section 214(a)(11) of the revenue act of 1921) any contributions or gifts to or for the use of a trust organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, if such individual made during the taxable year 1924 contributions or gifts to the same trust and in the aggregate of substantially the same amount. In no case shall there be allowed as a deduction under this section contributions or gifts to an amount in excess of $50,000. Any tax paid in respect of such deduction shall, subject to the statutory period of limitation applicable thereto, be credited or refunded."

And the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"(q) Pension trusts.—An employer establishing or maintaining a pension trust to provide for the payment of reasonable pensions to his employees (if such trust is exempt from tax under section 165, relating to trusts created for the exclusive benefits of employees) shall be allowed as a deduction (in addition to the contributions to such trust during the taxable year to cover the pension liability accruing during the year, allowed as a deduction under subsection (a) of this section) a reasonable amount transferred or paid into such trust during the taxable year in excess of such contributions, but only if such amount (1) has not theretofore been allowable as a deduction, and (2) is apportioned in equal parts over a period of 10 consecutive years beginning with the year in which the transfer or payment is made."

And the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: On page 12 of the Senate engrossed amendments, line 8, strike out the period and insert a semicolon; and the Senate agree to the same.

Amendment numbered 75: That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: On page 14 of the Senate engrossed amendments, at the end of line 14, insert a period and the following:

"In the case of property transferred in trust to pay the income for life to or upon the order or direction of the grantor, with the right reserved to the grantor at all times prior to his death to revoke the trust, the basis of such property in the hands of the persons entitled under the terms of the trust instrument to the property after the grantor's death shall, after such death, be the same as if the trust instrument had been a will executed on the day of the grantor's death."

And the Senate agree to the same.

Amendment numbered 91: That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: On page 20 of the Senate engrossed amendments, line 17, strike out all after "group" and insert in lieu thereof a period and the following: "An insurance company subject to the tax imposed by section 201 or 204 shall not be included in the same consolidated return with a corporation subject to the tax imposed by section 13" and a period; and the Senate agree to the same.

Amendment numbered 99: That the House recede from its disagreement to the amendment of the Senate numbered 99, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "12 per centum"; and the Senate agree to the same.

Amendment numbered 102: That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "12 per centum"; and the Senate agree to the same.

Amendment numbered 111: That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "12 per centum"; and the Senate agree to the same.

Amendment numbered 112: That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "12 per centum"; and the Senate agree to the same.

Amendment numbered 113: That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "12 per centum"; and the Senate agree to the same.

Amendment numbered 114: That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "12 per centum"; and the Senate agree to the same.

Amendment numbered 130: That the House recede from its disagreement to the amendment of the Senate numbered 130, and agree to the same with an amendment as follows: On page 166 of the House bill, line 4, strike out "three" and insert "two"; and on page 178 of the House bill, line 20, strike out "three" and insert "two"; and on page 178 of the House bill, line 25, strike out "three" and insert "two"; and on page 179 of the House bill, line 2, strike out "three" and insert "two"; and on page 180 of the House bill, line 10, strike out "three" and insert "two"; and the Senate agree to the same.

Amendment numbered 150: That the House recede from its disagreement to the amendment of the Senate numbered 150, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment, and on page 186 of the House bill, line 13, strike out "or" and insert a comma and the following: "credit, or abatement"; and the Senate agree to the same.

Amendment numbered 151: That the House recede from its disagreement to the amendment of the Senate numbered 151, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment and on page 186 of the House bill, line 16, strike out "or" and insert a comma and the following: "credit, or abatement"; and the Senate agree to the same.

Amendment numbered 152: That the House recede from its disagreement to the amendment of the Senate numbered 152, and agree to the same with an amendment as follows: Omit the matter proposed to be inserted by the Senate amendment and on page 186 of the House bill, line 18, strike out "or" and

insert a comma and the following: "credit, or abatement"; and the Senate agree to the same.

Amendment numbered 157: That the House recede from its disagreement to the amendment of the Senate numbered 157, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"(a) No refund shall be made of any amount paid by or collected from any manufacturer, producer, or importer in respect of the tax imposed by subdivision (3) of section 600 of the revenue act of 1924, or subdivision (3) of section 900 of the revenue act of 1921 or of the revenue act of 1918, unless either—

"(1) Pursuant to a judgment of a court in an action duly begun prior to April 30, 1928; or

"(2) It is established to the satisfaction of the commissioner that such amount was in excess of the amount properly payable upon the sale or lease of an article subject to tax, or that such amount was not collected, directly or indirectly, from the purchaser or lessee, or that such amount, although collected from the purchaser or lessee, was returned to him; or

"(3) The commissioner certifies to the proper disbursing officer that such manufacturer, producer, or importer has filed with the commissioner, under regulations prescribed by the commissioner with the approval of the Secretary, a bond in such sum and with such sureties as the commissioner deems necessary, conditioned upon the immediate repayment to the United States of such portion of the amount refunded as is not distributed by such manufacturer, producer, or importer, within six months after the date of the payment of the refund, to the persons who purchased for purposes of consumption (whether from such manufacturer, producer, importer, or from any other person) the articles in respect of which the refund is made, as evidenced by the affidavits (in such form and containing such statements as the commissioner may prescribe) of such purchases, and that such bond, in the case of a claim allowed after February 28, 1927, was filed before the allowance of the claim by the commissioner.

"(b) The second proviso under the heading 'Internal revenue' in section 1 of the first deficiency act, fiscal year 1928, and the second proviso of the fourth paragraph under the heading 'Internal Revenue Service' in section 1 of the Treasury and Post Office appropriation act for the fiscal year 1929, are repealed" and a period.

And the Senate agree to the same.

Amendment numbered 164: That the House recede from its disagreement to the amendment of the Senate numbered 164, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"SEC. 442. TAX ON STEAMSHIP TICKETS.

"(a) Subdivision 5 of Schedule A of Title VIII of the revenue act of 1926 is amended to read as follows:

"'5. Passage ticket, one way or round trip, for each passenger, sold or issued in the United States for passage by any vessel to a port or place not in the United States, Canada, Mexico, or Cuba, if costing not exceeding $30, $1; costing more than $30 and not exceeding $60, $3; costing more than $60, $5. This subdivision shall not apply to passage tickets costing $10 or less.'

"(b) Subsection (a) of this section shall take effect on the expiration of 30 days after the enactment of this act."

And the Senate agree to the same.

Amendment numbered 186: That the House recede from its disagreement to the amendment of the Senate numbered 186, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "or the Undersecretary" and a comma; and the Senate agree to the same.

Amendment numbered 187: That the House recede from its disagreement to the amendment of the Senate numbered 187, and agree to the same with an amendment as follows: On page 37 of the Senate engrossed amendments, lines 7 and 8, strike out "extinguishment of liability by bar of statute of limitations" and insert "effect of expiration of period of limitation"; and the Senate agree to the same.

Amendment numbered 190: That the House recede from its disagreement to the amendment of the Senate numbered 190, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by the Senate amendment insert the following:

"SEC. 611. COLLECTIONS STAYED BY CLAIM IN ABATEMENT.

"If any internal-revenue tax (or any interest, penalty, additional amount, or addition to such tax) was, within the period of limitation properly applicable thereto, assessed prior to June 2, 1924, and if a claim in abatement was filed, with or without bond, and if the collection of any part thereof was stayed, then the payment of such part (made before or within one year after the enactment of this act) shall not be considered as an overpayment under the provisions of section 607, relating to payments made after the expiration of the period of limitation on assessment and collection."

And the Senate agree to the same.

Amendment numbered 214: That the House recede from its disagreement to the amendment of the Senate numbered 214, and agree to the same with an amendment as follows: On page 41 of the Senate engrossed amendments, line 21, after "taxable," insert "(whether distributed or not)"; and the Senate agree to the same.

Amendment numbered 215: That the House recede from its disagreement to the amendment of the Senate numbered 215, and agree to the same with an amendment as follows: On page 42 of the Senate engrossed amendments, line 11, strike out "a return or an amended," and insert "an original"; and the Senate agree to the same.

Amendment numbered 216: That the House recede from its disagreement to the amendment of the Senate numbered 216, and agree to the same with an amendment as follows: On page 44 of the Senate engrossed amendments, line 4, after the period, insert "The basis of any such new ship shall be reduced by the amount of the gain from such sale exempt from taxation under this paragraph" and a period; and the Senate agree to the same.

Amendment numbered 217: That the House recede from its disagreement to the amendment of the Senate numbered 217, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"SEC. 708. DEFINITION OF THE TERM 'MOTOR BOAT.'

"The term 'motor boat,' when used in the act of September 21, 1922, includes a yacht or pleasure boat, regardless of length or tonnage, whether sail, steam, or motor propelled, owned by a resident of the United States or brought into the United States for sale or charter to a resident thereof, whether or not such yacht or boat is brought into the United States under its own power, but does not include a yacht or boat used or intended to be used in trade or commerce, nor a yacht or boat built or for the building of which a contract was entered into prior to December 1, 1927."

And the Senate agree to the same.

Amendment numbered 218: That the House recede from its disagreement to the amendment of the Senate numbered 218, and agree to the same with an amendment as follows: On page 44 of the Senate engrossed amendments, line 17, strike out "penalties" and insert "forfeitures"; and the Senate agree to the same.

Amendment numbered 219: That the House recede from its disagreement to the amendment of the Senate numbered 219, and agree to the same with an amendment as follows: On page 45 of the Senate engrossed amendments, line 2, strike out "709" and insert "710"; and the Senate agree to the same.

Amendment numbered 220: That the House recede from its disagreement to the amendment of the Senate numbered 220, and agree to the same with an amendment as follows: On page 45 of the Senate engrossed amendments, line 18, strike out "710" and insert "711"; and the Senate agree to the same.

Amendment numbered 222: That the House recede from its disagreement to the amendment of the Senate numbered 222, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "712"; and the Senate agree to the same.

Amendment numbered 223: That the House recede from its disagreement to the amendment of the Senate numbered 223, and agree to the same with an amendment as follows: On page 46 of the Senate engrossed amendments, line 6, strike out "712" and insert "713"; and the Senate agree to the same.

Amendment numbered 224: That the House recede from its disagreement to the amendment of the Senate numbered 224, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "714"; and the Senate agree to the same.

Amendment numbered 225: That the House recede from its disagreement to the amendment of the Senate numbered 225, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "715"; and the Senate agree to the same.

Amendment numbered 226: That the House recede from its disagreement to the amendment of the Senate numbered 226, and agree to the same with an amendment as follows: In lieu

of the matter proposed to be inserted by the Senate amendment insert "716"; and the Senate agree to the same.

W. C. HAWLEY,
ALLEN T. TREADWAY,
ISAAC BACHARACH,
JNO. N. GARNER,
J. W. COLLIER,
Managers on the part of the House.
REED SMOOT,
GEO. P. MCLEAN,
DAVID A. REED,
PETER G. GERRY,
PAT HARRISON,
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. 1) to reduce and equalize taxation, provide revenue, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

On amendment No. 1: This amendment makes a clerical change; and the House recedes.

On amendment No. 2: This amendment makes a clerical change; and the Senate recedes.

On amendment No. 3: This amendment makes a clerical change; and the House recedes.

On amendment No. 4: This amendment makes a clerical change; and the House recedes with an amendment making a further clerical change.

On amendment Nos. 5, 6, and 7: These amendments make clerical changes; and the House recedes.

On amendment No. 8: This amendment makes a clerical change; and the Senate recedes.

On amendments Nos. 9 and 10: These amendments make clerical changes; and the House recedes with amendments making further clerical changes.

On amendments Nos. 11 and 12: The House bill made the income-tax title of the new bill applicable to the taxable year 1927 and succeeding taxable years and provided that income and excess-profits taxes for taxable years preceding the taxable year 1927 should remain subject to prior revenue acts except as expressly modified by the new act. This covered not only provisions as to rates but the administrative provisions as well. Senate amendments 11 and 12 provide that the new income-tax title shall begin with the taxable year 1928 instead of the taxable year 1927. The House recedes. This action on the part of the conferees necessitates that the House also recede on a number of other amendments of the Senate carrying out this same purpose, which are noted below under their respective numbers.

On amendment No. 13: The House bill made no change in the surtax rates of the existing law. The Senate amendment adjusts surtax rates on incomes in excess of $20,000, the reduction aggregating $25,000,000; and the Senate recedes.

On amendment No. 14: This amendment makes a clerical change; and the House recedes.

On amendment No. 15: The House bill reduced the corporation rate from 13½ to 11½ per cent. The Senate amendment reduced the rate to 12½ per cent. The House recedes with an amendment fixing the rate at 12 per cent.

On amendment No. 16: The House bill provided that corporations with net incomes of not more than $15,000 in excess of the credits provided in section 26, should be subject to a graduated tax of from 5 per cent to 9 per cent. The Senate amendment strikes out this provision; and the House recedes.

On amendments Nos. 17, 18, 19, and 20: These amendments make clerical changes; and the House recedes.

On amendment No. 21: The House bill omitted the provision in prior revenue acts purporting to tax the salaries of the President, of the judges of the Supreme and inferior courts of the United States, and of all other officers and employees of the United States, Alaska, Hawaii, etc., on the ground that in so far as this compensation can be taxed under the Constitution it is covered in the general definition of income. The Senate amendment in terms makes the salary of the President of the United States taking office after the enactment of the new act taxable; and the Senate recedes.

On amendment No. 22: The House bill allowed the owner of a cooperative apartment to deduct the amount of his payments to the cooperative corporation representing his share of the interest and taxes paid by the corporation. This amendment and amendments 34 and 39 strike out these provisions; and the House recedes.

On amendment No. 23: This amendment makes a clerical change; and the House recedes.

On amendment No. 24: This amendment makes a clerical change; and the Senate recedes.

On amendment No. 25: This amendment makes a clerical change; and the Senate recedes.

On amendments Nos. 26, 27, and 28: The Senate amendments are intended primarily to permit doctors and other professional men to deduct their expenses in attending meetings of their organizations. These expenses usually are not deductible under the existing law, and the effect of the amendment was to authorize nonbusiness deductions; and the Senate recedes.

On amendment No. 29: The effect of this amendment is to permit the deduction of taxes assessed against local benefits of a kind tending to increase the value of the property assessed in so far as such taxes are properly allocable to maintenance or interest charges, the question arising principally in connection with taxes levied by certain drainage districts; and the House recedes.

On amendment No. 30: Under existing law difficulty has been experienced in determining and allowing the deduction for depreciation in cases where property is held by one person for life with remainder to another person; and the deduction, in the case of property held in trust, is allowable only to the trustee. The Senate amendment provides that a life tenant, for the purpose of this deduction, shall be considered as the absolute owner, so that he will be entitled to the deduction during his life, and that thereafter the deduction, if any, will be allowed to the remainderman. In the case of property held in trust, the allowable deduction is to be apportioned between the income beneficiaries and the trustee in accordance with the pertinent provisions of the will, deed, or other instrument creating the trust, or, in the absence of such provisions, on the basis of the trust income which is allocable to the trustee and the beneficiaries, respectively. For example, if the trust instrument provides that the income of the trust computed without regard to depreciation shall be distributed to a named beneficiary, such beneficiary will be entitled to the depreciation allowance to the exclusion of the trustee, while if the instrument provides that the trustee in determining the distributable income shall first make due allowance for keeping the trust corpus intact by retaining a reasonable amount of the current income for that purpose, the allowable deduction will be granted in full to the trustee. The bill contains similar provisions as to the deduction for depletion. The Senate amendment provides for an equitable apportionment of the deduction in these cases; and the House recedes.

On amendments Nos. 31 and 32: The purpose and effect of these amendments, which relate to the deduction for depletion in the case of property held by one person and the remainder to another person, and in the case of property held in trust, is similar in effect to amendment No. 30; and the House recedes.

On amendment No. 33: This amendment extends the provisions of the bill relating to deductions for charitable contributions or gifts to trusts, to cases arising under the revenue act of 1921. The House recedes with an amendment defining narrowly the circumstances under which such deduction shall be allowed retroactively so that it will apply only to the case for the relief of which the amendment was intended.

On amendment No. 34: The purpose of this amendment, which relates to the deductions granted to owners of cooperative apartments, is explained in connection with amendment No. 22; and the House recedes.

On amendment No. 35: The Senate amendment provided that an employer who had established a pension reserve could transfer the reserve to a pension trust of the type exempt under section 165 of the bill, and would be permitted to deduct the amounts so transferred, the deduction to be prorated over a period of years equivalent to the time during which the reserve was accumulated. There are two other classes of cases which should be provided for: (1) The creation of a pension trust by an employer who has had a pension plan in existence, but who has been paying the pensions out of current income, for example, without the establishment of a pension reserve; and (2) the employer who creates a pension trust and adopts for the first time a pension plan. Upon the creation of a pension trust, the payments of the employer, in any of the above cases, consist of contributions covering the pension liability accruing during the year (which are allowed as a deduction under section 23(a) of the new law, assuming the reasonableness of the contribution) and payments made during the year, for example, on account of the pension liability which would have accrued during prior years had the plan been in existence, or to build up reserves in order to place the plan upon a basis which is actuarily sound. The House recedes with an amendment permitting the spread of the payments of the latter type above described over a period of 10 years.

On amendment No. 36: This amendment proposes to allow as a deduction from income all expenses paid or incurred in con-

testing liability for any tax, Federal, State, municipal, or otherwise; and the Senate recedes.

On amendment No. 37: This is a clerical amendment which is necessary in connection with amendments Nos. 30, 31, and 32; and the House recedes.

On amendment No. 38: This amendment makes a clerical change; and the House recedes.

On amendment No. 39: This amendment, which relates to additional deductions to owners of cooperative apartments, is discussed above with amendment No. 22; and the House recedes.

On amendment No. 40: This amendment increases from $20,000 to $30,000 the maximum amount which can be considered as earned net income, for the purpose of the earned income credit; and the House recedes.

On amendment No. 41: This amendment makes a clerical change; and the House recedes.

On amendments Nos. 42, 43, and 44: These amendments were made necessary by the action of the Senate (by amendments 11 and 12) in making the new income tax title first apply to 1928, instead of 1927 as in the House bill. The House recedes, in accordance with the action of the conferees on Senate amendments 11 and 12.

On amendments Nos. 45, 46, and 47: These amendments make clerical changes; and the House recedes.

On amendments Nos. 48, 49, and 50: These amendments were made necessary by the action of the Senate (by amendments 11 and 12) in making the new income tax title first apply to 1928, instead of 1927 as in the House bill. The House recedes, in accordance with the action of the conferees on Senate amendments 11 and 12.

On amendments Nos. 51, 52, and 53: These amendments make clerical changes; and the House recedes.

On amendment No. 54: The House bill retained the provisions of the present law (section 257 of the revenue act of 1926) relating to the examination and inspection of income-tax returns. The Senate amendment permits the examination and inspection of such returns under the same rules and regulations as govern the examination of public documents generally; and the Senate recedes.

On amendments Nos. 55, 56, 57, and 58: These amendments make clerical changes; and the House recedes.

On amedment No. 59: This amendment was made necessary by the action of the Senate (by amendments 11 and 12) in making the new income-tax title first apply to 1928, instead of 1927, as in the House bill. The House recedes, in accordance with the action of the conferees on Senate amendments 11 and 12.

On amendment No. 60: This amendment makes a clerical change; and the House recedes.

On amendment No. 61: The Senate amendment exempts corporations organized by an exempt farmers' cooperative marketing or purchasing association or the members thereof for the purpose of financing the ordinary crop operations of such members or other producers and operated in conjunction with the cooperative marketing or purchasing association. The House recedes with a clerical amendment.

On amendments Nos. 62, 63, 64, 65, and 66: These amendments make clerical changes; and the House recedes.

On amendment No. 67: This amendment introduces into the law a new kind of exempt organization, namely, teachers' retirement-fund associations of a purely local character. The exemption is conditioned on the association complying with two conditions: First, that except for payment of retirement benefits, no part of the net earnings shall inure to the benefit of any private shareholder or individual; and, second, the income of the association must consist exclusively of receipts from public taxation, assessments against the teaching salaries of members, and income from investments; and the House recedes.

On amendments Nos. 68, 69, and 70: The House bill provided for a special tax on "personal holding companies" in order to discourage the retention by such companies of excessively large accumulations of surplus for the purpose of avoiding surtaxes on their members. The Senate amendments strike out the provisions of the House bill and restore the present law (section 220 of the revenue act of 1926); and the House recedes, the effect being to restore the existing law on the subject.

On amendment No. 71: This amendment makes a clerical change; and the House recedes.

On amendments Nos. 72, 77, 78, 79, and 80: The House bill eliminated the provisions of existing law relative to corporate distributions of earnings and profits accumulated, or increase in value of property, prior to March 1, 1913. These amendments restore the provisions of the existing law; and the House recedes.

On amendments Nos. 73, 74, and 75: The purpose of these amendments is to clarify and establish the law with respect to the basis of property acquired by transfer in trust other than a transfer in trust by bequest or devise, by gift on or before December 31, 1920, by the exercise of a power of appointment, by transmission at death, and by transfer in contemplation of or intended to take effect at or after death.

Section 113 (a) (3) is amended (No. 73) by striking out the last sentence of the House bill, with the effect of including within the paragraph transfers in trust made after December 31, 1920, even if made in contemplation of death or to take effect in possession or enjoyment at or after death. The basis provided in such cases is the basis the property would have in the hands of the grantor, adjusted for gain or loss recognized to the grantor when the transfer was made; and the House recedes.

Section 113 (a) (4) is amended (No. 74) so as to provide that the basis in the case of property passing under a power of appointment, regardless of the time of acquisition, shall be the fair market value on the date of acquisition, which is the rule of the existing law; and the House recedes.

Section 113 (a) (5) is amended (No. 75) so as to provide that in the case of specific bequest of personalty or a general or specific device of realty or the transmission of realty by intestacy the basis shall be the fair market value of the property at the time of the death of the decedent. In these cases it may be said, as a matter of substance, that the property for all practical purposes vests in the beneficiary immediately upon the decedent's death, and therefore the value at the date of death is a proper basis for the determination of gain or loss to the beneficiary. The same rule is applied to real and personal property transmitted by the decedent, where the sale is made by the executor. In all other cases the basis is the fair market value of the property at the time of the distribution to the taxpayer. The latter rule would obtain, for example, in the case of personal property not transmitted to the beneficiary by specific bequest, but by general bequest or by intestacy. It would also apply in cases where the executor purchases property and distributes it to the beneficiary; and the House recedes, with the following amendment:

A special rule is provided in section 113 (a) (5) by which to determine the basis of property transferred in trust with the right reserved to the grantor at all times prior to his death to revoke the trust where the sale or other disposition of property occurs after the death of the grantor. This rule includes sales or other dispositions by the trustee and also by a beneficiary of the trust. In view of the complete right of revocation in such cases on the part of the grantor at all times between the date of creation of the trust and his death, it is proper to view the property for all practical purposes as belonging to the grantor rather than the beneficiaries and to treat the property as vesting in the beneficiaries according to the terms of the trust instrument, not at the date of creation of the trust but rather on the date of the grantor's death for the purpose of determining gain or loss on sale or other disposition of the property after the grantor's death by the trustee or by a beneficiary. Accordingly it is provided that the basis of such property in the hands of the persons entitled thereto by the terms of the trust instrument after the grantor's death shall be the same as if the trust instrument had been a will executed on the date of his death. Thus property acquired by virtue of revocable trusts of the kind described is treated for all practical purposes the same as though it had been transmitted by the grantor by will at his death.

On amendment No. 76: The House bill delegated to the commissioner, with the approval of the Secretary, power to prescribe regulations legislative in character for the determination of the basis, after the period of affiliation, of property acquired by a corporation during the period of affiliation from an affiliated corporation. In the restoration of the privilege to file consolidated returns, it was necessary to cover property required in 1929 or thereafter, and the Senate amendment provides that in such case the basis shall be determined in accordance with the legislative regulations prescribed under the consolidated return provisions; and the House recedes.

On amendments Nos. 77, 78, 79, 80: These amendments are above discussed in connection with amendment No. 72; and the House recedes.

On amendment No. 81: The House bill provided for the exemption of the compensation of any individual employed by Alaska or Hawaii or any political subdivision thereof as a teacher in any educational institution. The Senate amendment extends the exemption to all officers or employees of any State or Territory or political subdivision thereof, whether or not engaged in a governmental function, and of any corporation 95 per cent of the stock of which is owned or controlled by a State, Territory, or political subdivision (such as public-utility

corporations). The amendment extends the exemption accorded by the Constitution (see, Stone, J., in Metcalf & Eddy *v.* Mitchell, 269 U. S. 514, and cases there cited); and the Senate recedes.

On amendment No. 82: Under existing law and the House bill a State, Territory, political subdivision, or the District of Columbia which may be entitled to the proceeds from the operation of a public utility is entitled to a refund of that portion of the income tax paid by the public utility which is attributable to the income accruing directly to such State, Territory, political subdivision, or the District of Columbia but only in cases where the contract under which the utility is operated was entered into prior to September 8, 1916. The Senate amendment extends the exemption to all such cases regardless of the date of the contract, thus extending the constitutional exemption; and the Senate recedes.

On amendment No. 83: This amendment deals with the situation (illustrated by the case of the St. Charles River Bridge) where a State or political subdivision, pursuant to a contract to which it is not a party, is to acquire a bridge and payment therefor in whole or in part is to be made from the earnings from the bridge. So much of the tax on the net income as is attributable to the earnings which but for the tax would accrue to or for the benefit of the State or political subdivision shall be refunded to the State or political subdivision. No refund is to be made unless the entire amount of the refund is applied toward the purchase price of the bridge. The House recedes.

On amendments Nos. 84 and 85: These amendments make clerical changes; and the House recedes.

On amendments Nos. 86 and 87: These amendments were made necessary by the action of the Senate (by amendments 11 and 12) in making the new income-tax title first apply to 1928, instead of 1927, as in the House bill. The House recedes, in accordance with the action of the conferees on Senate amendments 11 and 12.

On amendment No. 88: This amendment provides for allocating the income from the operation of bridges between the United States and contiguous foreign countries in accordance with an agreement to be entered into between the President of the United States and the proper authorities of such foreign country. The allocation can be made in proper cases under the existing law; and the Senate recedes.

On amendments Nos. 89 and 90: These amendments were made necessary by the action of the Senate (by amendments 11 and 12) in making the new income-tax title first apply to 1928, instead of 1927, as in the House bill. The House recedes, in accordance with the action of the conferees on Senate amendments 11 and 12.

On amendment No. 91: The House bill made no provision for the filing by affiliated corporations of a consolidated return after the taxable year 1928. The Senate amendment permits the filing of a consolidated return by an affiliated group providing the affiliated group consents to regulations issued by the commissioner prior to the making of the return relating to the computation of the consolidated net income of the group, and of the net income of the members of the group, after the period of affiliation.

Among the regulations which it is expected that the commissioner will prescribe are: (1) The extent to which gain or loss shall be recognized upon the sale by a member of the affiliated group of stock issued by any other member of the affiliated group or upon the dissolution (whether partial or complete) of a member of the group; (2) the basis of property (including property included in an inventory) acquired, during the period of affiliation by a member of the affiliated group, including the basis of such property after such period of affiliation; (3) the extent to which, and the manner in which, net losses sustained by a corporation before it became a member of the group shall be deducted in the consolidated return; and the extent to which and the manner in which net losses sustained during the period for which the consolidated return is filed shall be deducted in any taxable year after the affiliation is terminated in whole or in part; (4) the extent to which, and the manner in which, gain or loss is to be recognized, upon the withdrawal of one or more corporations from the group, by reason of transactions occurring during the period of affiliation; and (5) that the corporations filing the consolidated return must designate one of their members as the agent for the group, in order that all notices may be mailed to the agent, deficiencies collected, refunds made, interest computed, and proceedings before the Board of Tax Appeals conducted as though the agent were the taxpayer.

The House recedes with a clarifying amendment to subdivision (e) of the Senate amendment providing specifically that an insurance company subject to the tax imposed by section 201 or 204 shall not be included in the same consolidated return with a corporation subject to the tax imposed by section 13.

On amendment No. 92: This amendment makes a clerical change; and the House recedes.

On amendment No. 93: This amendment was made necessary by the action of the Senate (by amendments 11 and 12) in making the new income-tax title first apply to 1928 instead of 1927, as in the House bill. The House recedes, in accordance with the action of the conferees on Senate amendments 11 and 12.

On amendment No. 94: This amendment makes a clerical change; and the House recedes.

On amendment No. 95: This amendment was made necessary by the action of the Senate (by amendments 11 and 12) in making the new income-tax title first apply to 1928 instead of 1927, as in the House bill. The House recedes, in accordance with the action of the conferees on Senate amendments 11 and 12.

On amendment No. 96: This amendment makes a clerical change; and the House recedes.

On amendment No. 97: The House bill provided that a fiduciary required to make a return under the income-tax title should be subject to all the provisions of that title which apply to individuals. The Senate amendment subjects the fiduciary to all the provisions of law applying to individuals; and the House recedes.

On amendment No. 98: This amendment makes a clerical change; and the House recedes.

On amendment No. 99: The House bill provides that withholding at the source in the case of interest payments on tax-free covenant bonds to a foreign corporation where the liability assumed by the obligor does not exceed 2 per cent of the interest, shall be at the rate of 11½ per cent. The Senate amendment fixes the rate at 12½ per cent and the House recedes with an amendment by which the rate is fixed at 12 per cent.

On amendments Nos. 100 and 101: These amendments make clerical changes; and the House recedes.

On amendment No. 102: The House bill provides for withholding at the source in the case of foreign corporations at the rate of 11½ per cent. The Senate amendment fixes the rate at 12½ per cent. The House recedes with an amendment fixing the rate at 12 per cent.

On amendments Nos. 103 to 110, inclusive: These amendments make clerical changes; and the House recedes.

On amendments Nos. 111, 112, 113, and 114: In accordance with Senate amendment 15, these amendments change the rates in the case of insurance companies from 11½ to 12½ per cent; and the House recedes with an amendment making the rates 12 per cent.

On amendments Nos. 115, 116, 117, and 118: In the case of an insurance company (other than a life or mutual) under existing law and under the House bill the gain or loss from the sale or other disposition of property (including securities) is not recognized. The effect of these amendments is to recognize such gains and losses; and the House recedes.

On amendments Nos. 119 to 129, inclusive: These amendments make clerical changes; and the House recedes.

On amendment No. 130: The House bill requires that the amount of all income taxes imposed for 1928 and subsequent years shall be assessed within three years after the return was filed and provides that no court proceeding without assessment may be begun after the expiration of such period. The Senate amendment reduces the period to two years. The House recedes with an amendment which establishes a like period for the filing of claims for refund or credit of income taxes for 1928 and subsequent years.

On amendments Nos. 131, 132, 133, and 134: The House bill provided that waivers filed after the expiration of the period of limitation, in the case of income taxes imposed by the new law, should be valid. The Senate amendments eliminate this provision; and the House recedes.

On amendment No. 135: This amendment makes a clerical change; and the House recedes.

On amendment No 136: The House bill permitted the assessment of the liability of a transferee of a transferee within one year after the expiration of the period of limitation for assessment against the preceding transferee. The Senate amendment provides that the aggregate period of limitation can not exceed three years from the date of the expiration of the period of limitation for assessment against the taxpayer; and the House recedes.

On amendment No. 137: This amendment makes a clerical change; and the House recedes.

On amendment No. 138: The effect of the Senate amendment is to restore as of January 1, 1926 (the effective date of its repeal) section 322 of the revenue act of 1924, which provided that where the amount of a gift is required to be included in the gross estate of the decedent the estate should be credited with the amount of the gift tax; and the House recedes.

On amendment No. 139: The purpose of this amendment is to modify the definition of the term "deficiency" for the purpose

of permitting an appeal to the Board of Tax Appeals in cases where a disputed item arises in a taxable year in which the rate of tax has been retroactively lowered. Under existing law the right to contest the disputed item exists by way of a claim and suit for refund unless the difference in the tax caused by the retroactive reduction is abated; and the Senate recedes.

On amendments Nos. 140 and 141: The House bill increased the exemption from the tax on admission and dues from 75 cents to $1. The Senate amendment increases the exemption to $3; and the House recedes.

On amendment No. 142: The existing law imposes, in the case of theater tickets, etc., sold by brokers, a tax of 5 per cent of the broker's charge if it does not exceed 50 cents, and a tax of 50 per cent if it does exceed 50 cents. The Senate amendment fixes the dividing line at 75 cents instead of 50 cents; and the House recedes.

On amendment No. 143: This amendment makes a clerical change; and the House recedes.

On amendments Nos. 144, 145, and 146: The House bill reduced the dues tax from 10 per cent to 5 per cent of the amount paid as dues or members' fees to any social, athletic, or sporting club where the dues or fees exceed $10 a year or paid as initiation fees if the fees amount to more than $10 or if the dues or members' fees not including initiation fees exceed $10 per year. The Senate amendments restore the rate to 10 per cent and increase the amount payable as dues or membership fees, without the imposition of the tax, from $10 to $25; and the House recedes.

On amendment No. 147: This amendment makes a clerical change; and the House recedes.

On amendment No. 148: The House bill repealed the automobile tax and provided for a refund of one-half the tax paid in case of automobiles sold by the manufacturer (for example) to the dealer (including also a chassis manufacturer, for example, who has purchased a body and a tax upon the sale has been paid) and held by him on the date of the repeal of the tax. The Senate amendment provides for refund (or if the tax has not been paid, for the abatement) of the full amount of tax in such cases; and the House recedes.

On amendment No. 149: The House bill provided that the refund of the tax on automobiles held by a dealer on the date of the enactment of the act could be applied as a credit against the tax shown by subsequent returns of the manufacturer. The Senate amendment strikes out this provision; and the Senate recedes.

On amendments Nos. 150, 151, 152: These amendments make clerical changes; and the House recedes with amendments making further clerical changes.

On amendments Nos. 153 and 154: These amendments made the changes necessary on account of the repeal of the automobile tax, in the provisions relating to the refund of taxes paid by purchasers after the repeal of the tax, under the conditions prescribed in the House bill (section 423); and the House recedes.

On amendments Nos. 155 and 156: These amendments make clerical changes; and the House recedes.

On amendment No. 157: The House bill prohibited refunds of automobile-accessories taxes, except in the following cases: (1) Pursuant to a judgment of a court in an action begun prior to the date of the enactment of the deficiency act of 1927; or (2) unless the amount was an ordinary overpayment of the amount due upon the sale of an article actually subject to the tax; or (3) if the manufacturer had collected the amount of the tax from the purchaser, he had refunded such amount to the purchaser; or (4) unless the manufacturer to whom the refund is to be made has filed a bond conditioned upon the return of any part of the refund which he has not been able to pass back to the consumer.

The Senate amendment struck out the provisions of the House bill and denied refunds, except in the following cases: (1) Pursuant to a judgment of a court in an action begun prior to February 28, 1928; or (2) it is established to the satisfaction of the commissioner that the amount to be refunded was not added separately on the invoice to the purchaser, or, if so added, had been returned to the purchaser; or (3) a bond was given, similar to the requirement of the House bill.

The House recedes with an amendment denying refunds, except in the following cases: (1) Pursuant to a judgment of a court in an action duly begun prior to April 30, 1928; or (2) unless the amount was an ordinary overpayment of the amount due upon the sale of an article actually subject to the tax; or (3) the amount was not collected, directly or indirectly, from the purchaser, or, if collected, has been returned to him; or (4) a bond is given upon the conditions described above.

On amendment No. 158: This amendment permits cigars to be packed in boxes of 20; and the House recedes.

On amendment No. 159: The House bill increases the excise tax on the use of foreign-built boats to five times the rate imposed by existing law. The Senate amendment eliminates this provision and repeals entirely the tax imposed by existing law, substituting therefor a definition (section 707, amendment 217) applicable to paragraph 370 of the tariff act of 1922, under which the tariff duty will be imposed upon yachts and boats of the kind now subject to the excise tax; and the House recedes on amendment 159, and recedes with an amendment on amendment 217.

On amendment No. 160: Under existing law and the House bill the narcotics tax imposed on retail dealers is $6 a year. The Senate amendment reduces the tax to $3 a year; and the House recedes.

On amendment No. 161: This amendment exempts from the stamp tax imposed by section 801 of the revenue act of 1926, stocks, bonds, and other certificates of indebtedness issued by certain cooperative farmer or fruit growers' associations; and the House recedes.

On amendment No. 162: The House bill repeals the stamp tax imposed by subdivision 4 of Schedule A of Title VIII of the revenue act of 1926 on sale of produce on exchanges. The Senate amendment restores this tax; and the House recedes.

On amendment No. 163: The House bill reduces the stamp tax, imposed by subdivision 3 of Schedule A of Title VIII of the revenue act of 1926 on sales or transfers of capital stock, from 2 cents on each $100 of face value or fraction thereof to 1 cent. The Senate amendment restores the existing law; and the House recedes.

On amendment No. 164: The Senate amendment exempts from tax steamship tickets for transportation to Cuba, as in the case of transportation to Canada and Mexico; and the House recedes with a clerical amendment prescribing the effective date of the amendment.

On amendment No. 165: The House bill requires postmasters in all cities of more than 50,000 inhabitants to have for sale a suitable quantity of revenue stamps. The Senate amendment requires this to be done in cities of over 25,000 inhabitants; and the House recedes.

On amendments Nos. 166 and 167: The Senate amendments provide for the reduction to the pre-war level of the rates of tax upon wines containing more than 21 per cent and not more than 24 per cent of absolute alcohol; and the House recedes.

On amendment No. 168: This amendment was made necessary by the action of the Senate (by amendments 11 and 12) in making the new income-tax title first apply to 1928, instead of 1927, as in the House bill. The House recedes, in accordance with the action of the conferees on Senate amendments 11 and 12.

On amendment No. 169: This amendment makes a clerical change; and the House recedes.

On amendments Nos. 170, 171, 172, and 173: These amendments, which relate to the validity of waivers executed after the expiration of the period of limitation intended to be waived, are similar to amendments numbered 131, 132, 133, and 134 above. The House bill made such waivers effective even though executed after the expiration of such period. The Senate amendment confines the provisions to waivers executed before the expiration of the period; and the House recedes.

On amendment No. 174: This amendment makes valid and effective any waiver executed after the expiration of the period of limitation, notwithstanding the effect of amendments numbered 170 to 173, inclusive, if entered into after the enactment of this act and before January 1, 1929. The amendment also provides that the above amendments to section 278 of the revenue act of 1926 shall not be construed as in any manner affecting the validity of waivers made prior to the enactment of this act; and the House recedes.

On amendments Nos. 175 and 176: The Senate amendments provide for the reopening of the statute of limitations upon the filing of claims for refund in cases where the taxpayer prior to January 1, 1928, filed the waiver upon the assessment of taxes for the taxable years 1917, 1918, 1919, 1920, and 1921; and the Senate recedes.

On amendment No. 177: The Senate amendment makes it clear that the division of the Board of Tax Appeals must make a determination upon the proceeding assigned to it; and the House recedes.

On amendments Nos. 178 and 179: The Senate amendment eliminates certain superfluous language of the House bill; and the House recedes.

On amendment No. 180: This amendment writes into the law a provision now carried in the appropriation acts permitting the board to renew contracts for reporting hearings; and the House recedes.

On amendment No. 181: The House bill provided that the rules of practice and procedure (other than rules of evidence) promulgated by the board under the authority of the statute should have the same force and effect as Federal equity rules. Since it is clear, under the statute, that the rules of the board have the force and effect of law, the Senate eliminates this provision as unnecessary; and the House recedes.

On amendment No. 182: Under existing law the burden of proof in proceedings before the board is on the petitioner even as to issues of fraud. The Senate amendment places upon the Government the burden of proving fraud whenever an issue of fraud is involved; and the House recedes.

On amendment No. 183: The House bill provided that no decision of the board should be modified or reversed because of its failure to consider evidence not adduced before it in evidence. The existing law is clear that the board need not consider evidence not properly placed before it and that it need not conduct independent investigations of the facts of cases pending on its docket. In view of this, the Senate eliminated the House provisions; and the House recedes.

On amendment No. 184: The House bill provided that the commissioner might proceed to enforce the liability of a taxpayer against a transferee of his property either by appropriate proceedings before the Board of Tax Appeals or by instituting suit against such transferee in the courts. The proceedings under section 280 of the present law have proved so effective in preventing the evasion of taxes and in the collection of taxes properly due that the Senate amendment strikes out the section giving the commissioner the right to proceed in court against the transferee; and the House recedes.

On amendment No. 185: Section 1108 (a) of the revenue act of 1926 permits the commissioner to apply a new regulation or Treasury decision without retroactive effect when the new regulation or Treasury decision is not immediately occasioned by a court decision. This desirable policy has been extended by the Senate amendment so as to include all regulations and Treasury decisions whether or not occasioned by a court decision. It is hoped that this provision will prevent the constant reopening of cases on account of changes in regulations or Treasury decisions, and it is believed that sound administration properly places upon the Government the responsibility and burden of interpreting the law and of prescribing regulations upon which the taxpayers may rely; and the House recedes.

On amendment No. 186: The existing law, the House bill, and the Senate bill contain provisions permitting the execution of final agreements by the Government and taxpayer relating to the tax liability of any particular year or years. The House bill provides that such an agreement may be approved by the Secretary. The Senate amendment permits approval by the Secretary, the Undersecretary, or an Assistant Secretary. The House recedes with an amendment limiting the approval to the Secretary or the Undersecretary.

On amendment No. 187: This is a clerical amendment in the nature of a rephrasing and simplification of the provisions of the House bill which do not, however, operate to change the legal effect. The House recedes with an amendment which modifies the title of the section.

On amendment No. 188: The House bill provides that if a refund is made after the expiration of the period of limitation within which the taxpayer may bring suit for such refund, the repayment shall be considered to be an overpayment unless suit was duly begun by the taxpayer. The Senate amendment permits the period for filing suit to be extended upon the execution of an agreement between the taxpayer and the commissioner agreeing to an extension pending a final decision in one or more cases named in the agreement. If the suit is favorable to the taxpayer the case may be reopened and the refund allowed, of course, without the necessity of suit; and the House recedes.

On amendment No. 189: The House bill permits the Government to recover erroneous refunds (excluding refunds which are erroneous under section 608) by suit begun within two years after the making of such refund. The Senate amendment makes it certain that this limitation does not apply to suits begun prior to May 1, 1928; and the House recedes.

On amendment No. 190: The House bill (section 611) provided that in cases in which a tax is assessed within the period for assessments and thereafter (whether before or after the expiration of such period) a claim in abatement was filed, with or without a bond, and if proceedings were not promptly instituted (as would have been the case had the claim in abatement not been filed) that then (1) if any part of the amount covered by the claim in abatement was thereafter paid, such amount should not be refunded, solely because of the fact that it was paid after the running of the statute, and (2) in cases where the amount was not paid, it could be collected by distraint or proceedings in court begun within one year after the enactment of the new law. The Senate amendment struck out this section; and the House recedes with an amendment retaining the prohibition upon refunds, as above described, and eliminating the authority for collection.

On amendments Nos. 191 and 192: These amendments make clerical changes; and the Senate recedes.

On amendment No. 193: This amendment makes it clear that the provisions of the section relating to liens for taxes are applicable to all liens in respect of any internal-revenue tax whether or not the lien is imposed by that section; and the House recedes.

On amendments Nos. 194 to 199, inclusive: These amendments make clerical changes; and the Senate recedes.

On amendment No. 200: The House bill made no change in the provisions of existing law (sec. 1107 of the revenue act of 1926) prohibiting a review by the General Accounting Office of decisions of the commissioner under the internal revenue laws. The Senate amendment provides that all claims, refunds, etc., allowed by the commissioner in excess of $10,000 shall be audited by the General Accounting Office. The audit now accorded by the Bureau of Internal Revenue is entirely adequate to protect the interests of the Government, and there is no necessity for the Senate amendment; and the Senate recedes, thus leaving section 1107 applicable.

On amendment No. 201: This amendment makes a clerical change; and the House recedes.

On amendment No. 202: The House bill makes provision for the salaries of the legislative counsel and the special assistant to the Secretary of the Treasury. Inasmuch as these provisions have become law, the Senate has eliminated them; and the House recedes.

On amendment No. 203: This amendment makes a clerical change; and the House recedes.

On amendment No. 204: This amendment was made necessary by the action of the Senate (by amendments 11 and 12) in making the new income tax title first apply to 1928, instead of 1927 as in the House bill. The House recedes, in accordance with the action of the conferees on Senate amendments 11 and 12.

On amendments Nos. 205, 206, and 207: The House bill validated the regulations in force prior to the decision in the McKinney case providing that the basis for computing gain or loss should be the value of the property at the time of the death of the decedent, in the case of a sale by the executor of property acquired from the decedent, if the estate indicated its acquiescence in such regulations by failure to file a claim for refund or credit prior to the enactment of the new law. The Senate amendment also validates the regulations promulgated after the McKinney case, and providing that the basis should be the value of the property at the time of the death of the decedent, and gives to the estate the opportunity to exercise its option to acquiesce in the regulations at any time prior to the expiration of the period of limitation for filing a claim for refund or credit; and the House recedes.

On amendment No. 208: This amendment was made necessary by the action of the Senate (by amendments 11 and 12) in making the new income tax title first apply to 1928 instead of 1927 as in the House bill. The House recedes in accordance with the action of the conferees on Senate amendments 11 and 12.

On amendment No. 209: This amendment makes a clerical change; and the House recedes.

On amendment No. 210: The House bill contained retroactive provisions removing the uncertainty of the present law as to the deductibility, in computing net income, of amounts paid as estate, inheritance, succession, or legacy taxes, and validated the deductions claimed in the return of the taxpayer, and provided for the case where the deduction was claimed by both the estate and the beneficiary and the case where neither claimed it. The Senate amendment adopts the provisions of the House bill and extends them to cases where the deduction was claimed by a claim in abatement, and, in order to make it certain that the deduction will be allowed either to the estate or to the beneficiary in any event, the Senate amendment allows the deduction to the estate if the beneficiary is barred from filing a claim for refund by the statute of limitations, and vice versa. This provision does not permit the filing of a claim for refund, however, if the period of limitation has expired; and the House recedes.

On amendments Nos. 211, 212, and 213: These amendments make clerical changes; and the House recedes.

On amendment No. 214: Under existing law there is considerable confusion as to the proper distinction to be drawn between a trust and an association, particularly certain so-called real-estate trusts. While it is not deemed advisable at this time to write into the statutes a more explicit definition of a trust and an association, it was desirable by the Senate to make specific provision retroactively to make definite and certain the tax liability in the past of these organizations. The House recedes with a clarifying amendment, making it certain that the amounts will be taxable to the beneficiaries, whether or not such amounts are actually distributed, and whether or not such amounts are distributable to the beneficiaries.

Amendment No. 215: The House bill contained no provision of retroactive application to taxpayers changing from the accrual to the installment basis for reporting income for tax purposes. The 1919 regulations of the Treasury prescribed in such cases the so-called double tax rule. The 1920 regulations, however, abandoned this rule. In 1925 the Board of Tax Appeals held the 1920 regulations invalid upon the ground that they did not accurately reflect the income of the taxpayer during the transition period. Section 1208 of the revenue act of 1926 was a compromise provision writing into the law for the first time a statutory recognition of the installment basis and adopting the double tax rule of the 1919 regulations. In order to relieve taxpayers who have not yet paid the deficiencies resulting from the application of the double tax rule—in accordance with section 1208—the Senate amendment provides that in such cases the amount of the deficiency will be computed in accordance with the single tax rule; and, inasmuch as the financial status of taxpayers who have already paid an amount sufficient to cover their tax liability when computed in accordance with the double tax rule, will not be jeopardized, the Senate amendment provides that the double tax rule shall be applied in computing the right to a refund or credit. The Senate amendment was made applicable to any taxpayer who filed an original return or an amended return prior to the effective date of the revenue act of 1926 and the taxable year 1924 or any prior taxable year.

The House recedes with an amendment denying relief to a taxpayer who, for example, in 1922 filed an amended return for 1918, 1919, and 1920, shifting from the accrual to the installment basis. This taxpayer, however, will be granted relief for the year in which he filed an original return and for the years following.

On amendment No. 216: Section 23 of the merchant marine act, 1920, provided that for a 10-year period beginning in that year no tax should be imposed under the revenue act of 1918 on account of gain derived from the sale by a citizen of the United States of a vessel documented under the laws of the United States and built prior to January 1, 1914, if the proceeds were used for the acquisition of any ship built in American shipyards. The revenue act of 1918 was not in effect for any year after the year 1920. The Senate amends the merchant marine act so as to make the deduction available under revenue acts subsequent to the revenue act of 1918. The House recedes with an amendment which prescribes the basis for gain or loss on the new ship.

On amendment No. 217: This amendment is explained in connection with amendment No. 159, and the House recedes with an amendment making a change in the section number and clarifying the provisions of the section.

On amendment No. 218: There is no provision of law for the administrative remission or mitigation of forfeitures under the internal revenue laws. The Senate amendment adopts the provisions of existing law applicable to the administrative remission or mitigation of forfeitures under the customs laws and makes them applicable to forfeitures under the internal revenue laws; and the House recedes with an amendment making a change in section number.

On amendment No. 219: This amendment provides that refunds and credits in excess of $75,000 made after the enactment of this act shall be referred to the Joint Committee on Internal Revenue Taxation and that such refund or credit shall not be made until after the expiration of 30 days from the date of such reference, and also provides that a report to Congress shall be made annually by such committee of such refunds and credits; and the House recedes.

On amendment No. 220: Under the present law the salaries of the commissioners appointed to assist the judges of the Court of Claims are fixed at $5,000 a year. The Senate amendment increases this to $7,500 a year; and the House recedes with an amendment making a clerical change.

On amendement No. 221: The House bill, in order to build up the personnel necessary for the efficient administration of the internal revenue laws, authorized the Secretary to fix the compensation, without regard to the provisions of the classification act, of 23 assistants to the general counsel and 26 employees in the Bureau of Internal Revenue, at salaries not in excess of $7,500, and of 50 employees in the Bureau of Internal Revenue at salaries not in excess of $6,000 a year. Upon the assurance that at least 15 assistants to the general counsel and at least 15 administrative and technical employees in the Bureau of Internal Revenue would be so classified, under the amendments to the classification act made by the Smoot-Welch bill, in a grade the maximum salary of which is $7,500 a year, and that 50 employees of the bureau would be classified in a grade the maximum salary of which is $6,000 a year, the House has receded from its disagreement to the amendment of the Senate eliminating this section. It is also understood that the section was eliminated by the Senate upon the assurances above described.

On amendment No. 222: This amendment makes a clerical change; and the House recedes with an amendment making a further clerical change.

On amendment No. 223: The present law provides that the salaries of collectors of internal revenue may be fixed under regulations prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury, but the salary shall not be in excess of $6,000. The Senate amendment makes the maximum salary $7,500; and the House recedes with an amendment making a change in section number.

On amendments Nos. 224, 225, and 226: These amendments make clerical changes; and the House recedes with amendments making further clerical changes.

W. C. HAWLEY,
ALLEN T. TREADWAY,
ISAAC BACHARACH,
JNO N. GARNER,
J. W. COLLIER,
Managers on the part of the House

Mr. HAWLEY. Mr. Speaker and gentlemen of the House [applause], upon the appointment of the conferees by the House on the revenue bill the conferees asked the legislative counsel, the gentlemen in the employ of the Committee on Joint Taxation, the clerk to the Ways and Means Committee, and the Treasury representative to meet in the office of the chairman. We spent a day in thoroughly examining the amendments to the bill made by the Senate, so that upon entering into conference we would have a competent knowledge of what the Senate amendments proposed to do. We found it a very valuable practice to follow. It reduced the length of time in conference to a day and a half, which is the shortest period ever used in conference upon a bill of this kind.

I think we have obtained an excellent tax bill for this year, both from the standpoint of the reduction of revenue and money so saved to the taxpayers and also from the administrative changes that have been made in stopping gaps through which some have escaped taxation, and to adjust more fairly the tax. The total amount of revenue reduction is $222,495,000 for the first full year of operation. [Applause.] I give below a table showing the items in detail. It is distributed as follows, taking the items in order in which they appear: The present tax on corporations is 13½ per cent of net income, except in the case of a corporation whose net income is $25,000 or less, which has credit of $2,000 and which pays on the difference between $2,000 and the net income.

That credit has been changed to $3,000, giving the small corporations an exemption of $3,000 on any net income they may have if the total net income is $25,000 or less. That effects a reduction in taxation of $12,000,000 a year in favor of the smaller corporations.

There was a provision in the House bill relative to the graduated tax on small corporations, and after further examination it was thought advisable not to include it in the pending bill. This constitutes a saving of $24,000,000 over the House bill.

The House proposed that the corporation tax hereafter should be 11½ per cent and the Senate proposed 12½ per cent. The conferees agreed on 12 per cent. That makes a reduction of $123,450,000 and a total in favor of corporations which have had no reduction in the last two laws of $135,450,000.

In the 1926 act the taxes of corporations were really increased, because when we eliminated the capital-stock tax we changed the rate from 12½ per cent to 13½ per cent.

Mr. GARNER of Texas. Will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. GARNER of Texas. Some might misunderstand my colleague and get the impression that the total tax reduction for the corporations was $123,000,000. The amount is $135,000,000.

Mr. HAWLEY. I was speaking then only of the reduction in the corporation tax, as I had already mentioned the $12,000,000 reduction due to the increased credit in the case of corporations with net incomes of $25,000 or less. Business done in corporate form is not yet placed on an equal footing with business done in individual or partnership form, but we have proceeded as far as we can in this bill. For instance, if a partnership of three persons makes $90,000 in a year and distributes $30,000 to each of the partners they will have, first, the family deduction of $3,500, and then the earned-income credit of one-fourth of the amount of the tax from the earned income not in excess of $20,000; and then they will pay not exceeding 5 per cent of the balance for the normal tax. They will pay a surtax on $20,000 of the $30,000. If, on the other hand, there were three men who are engaged in a corporate activity earning $90,000 a year, and all of it was distributed to the three members of the corporation, they would pay 13½ per cent on the $90,000 before it was distributed, and they would also pay the same surtax paid by the individual, but would have no advantage of the family deduction or the earned-income deduction.

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

Mr. HAWLEY. Yes.

Mr. CHINDBLOM. But they would have deductions for salaries paid to themselves out of the corporate earnings?

Mr. HAWLEY. Yes.

Mr. CHINDBLOM. So that to that extent the tax upon the corporation would be reduced?

Mr. HAWLEY. Yes; that would be a deduction, of course, in determining the taxable net income; but taking into consideration all these factors the business done in corporate form is still at a disadvantage, and it was thought by the House and the Senate conferees that this change in the law should be made, giving the corporations a total reduction of $135,450,000.

At present the earned-income provision allows a credit of one-fourth of the amount of the tax on the earned income of any individual up to $20,000. We propose to change that so that the credit shall extend to one-fourth of the tax on earned income up to $30,000, and that is the only relief given to individuals or partnerships in the present bill.

The Senate proposed a change in the intermediate brackets from $20,000 to $80,000, amounting to a reduction of revenue of $25,000,000. The House thought that was unwarranted, owing to the fact that in the three last bills we have given very material reductions to individuals and have excused many millions from paying any tax at all.

The next largest reduction in taxes is in the case of automobiles. The Committee on Ways and Means proposed to reduce the tax by one-half; that is, from 3 per cent to 1½ per cent.

The House, however, revised the proposal of the committee and eliminated the entire tax of $66,000,000. The Senate agreed to that, and that repeal remains in the bill, not being in conference.

The next largest item of reduction is in the tax on admissions and dues. The House bill proposed to raise from 75 cents to $1 the exemption from taxation on admission tickets, so that tickets costing not more than $1 would pay no tax, and all above that will pay the present tax of 1 cent per 10 cents or fraction of price charged. The Senate increased the exemption to $3, for the purpose primarily of relieving the burden now imposed upon the spoken drama. It was testified before both committees that in many parts of the country there are no theaters operating in which the spoken drama is produced. In great areas, including many States, there is no possibility of companies presenting the spoken drama. The House conferees after reconsideration agreed to the $3 exemption, which makes a total reduction in the admission tax of $17,000,000. The amendment of the Senate costs the Treasury $9,000,000 per year.

Mr. MOORE of Virginia. Mr. Speaker, will the gentleman permit an interruption?

Mr. HAWLEY. Yes.

Mr. MOORE of Virginia. The gentleman a moment ago said that he would talk about admissions and dues. He did specify what has been done with respect to admissions. Is there any change in the matter of club dues?

Mr. HAWLEY. The House proposed to reduce the tax on club dues to 5 per cent. The Senate restored the present tax of 10 per cent, but raised the exemption from $10 to $25, making a total reduction in that tax of $1,000,000. Members of clubs whose annual dues are $25 a year or less will pay no tax. That takes care of the smaller clubs.

In the House bill we continued the publicity provisions as they are in the existing law. The Senate inserted a provision to make the publicity as wide as now given to any kind of public document. After considerable debate in the conference, the Senate conferees agreed to secure action by the Senate eliminating this provision if a complete conference could be had. All other matters were settled in the conference except that. The Senate conferees secured that recession on the part of the Senate, and struck out their proposal, which leaves the publicity provisions as they are in existing law.

There are a number of items affecting administrative features of the bill which are quite fuliy explained in the statement of the managers, and I shall not take the time at this time to do more than refer to one or two of them.

Some considerable interest is manifested in the provision relating to installment returns. The Senate has language reading thus:

(a) If any taxpayer by a return or an amended return made prior to February 26, 1926, changed the method of reporting his net income for the taxable year 1924 or any prior taxable year to the installment basis, then, if his income for such year is properly to be computed on the installment basis.

That was changed so that the sentence will read:

If any taxpayer by an original return—

And so forth.

The effect of the action of the conferees may be illustrated by the following example: Suppose a taxpayer filed an amended return for prior years, changing from the accrual to the installment method of reporting income. The provision as agreed to in conference denies any relief for these prior years because of this retroactive change, and the double tax rule will be applied. If, on the other hand, the taxpayer filed an original return for 1919, for example, or any other year, whether or not he at the same time filed an amended return for prior years, he will be benefited by the section as agreed to in conference in the determination of a deficiency for 1919 and the following years of the transition period. The term "original return" is used to designate the first complete return filed for the taxable year. For example: A taxpayer may have filed merely a tentative return and have obtained permission to file a final return at a later date. If the change from accrual to installment basis was made on this final return, the relief granted by the section will apply even though the tentative return had been filed on the accrual basis. However, having once filed a final or complete return on the accrual basis for the taxable year in question, the relief will be denied if the taxpayer thereafter files an amended return for the year and changed from the accrual to the installment basis.

The section is not as sweeping as many Members of the House have thought it to be.

If there are any questions that any gentleman desires to ask, I shall be glad to answer to the best of my ability.

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

Mr. HAWLEY. Yes.

Mr. MACGREGOR. The Senate put on an amendment exempting employees of municipal corporations, which the Supreme Court has held are not engaged in purely governmental functions. For instance, certain employees in my city are employees of the water department, and they are much concerned because they can not understand why their salaries are not exempted when the salaries of the employees in the assessor's office are exempt. I would like to have the gentleman explain it, so that when I go back home I can tell them why.

Mr. HAWLEY. Whenever a municipality or other subdivision is engaged in gainful occupation, in competition with private enterprise, it is in the nature of private enterprise. It is not really a governmental function, and it was thought that if they engaged in private enterprise, in competition with real private enterprise, they should bear the same burdens as private enterprise bears. Furthermore, we should not extend an exemption beyond that required by the Constitution.

Mr. MACGREGOR. Is it not a fact that in most of the cities the water departments are parts of the city governments?

Mr. HAWLEY. I could not answer that.

Mr. DENISON. This bill provides for a tax reduction of how much?

Mr. HAWLEY. Two hundred and twenty-two million four hundred and ninety-five thousand dollars.

Mr. DENISON. I would like to ask the gentleman if it is his judgment that in view of the legislation that has been passed by this Congress it will result from that legislation and other legislation which will probably be passed by the Congress before we adjourn that the Treasury will not be

able to stand that much reduction without leaving a deficit? What does the gentleman think about that?

Mr. HAWLEY. There will be no question about the year 1928 or the year 1929. The only question as to whether or not there will be sufficient revenue relates to the year 1930 and subsequent years. The present bill reduces the revenues for the fiscal year 1929 by only $145,000,000, for the income-tax reductions will be felt only during the last half of that year. Taking into consideration a normal increase in incomes and reductions in public-debt costs in 1930 and thereafter, I believe that the Treasury can stand this amount of reduction.

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

Mr. HAWLEY. Yes.

Mr. RAMSEYER. I am very much interested in the productiveness of this bill. In the last two or three revenue bills that have been passed my study has been directed largely to what they would yield. Now, when the bill was before the House in December the estimated surplus for the year 1929, as given by the Director of the Budget, was $252,000,000. We passed a bill through the House reducing taxes by $289,000,000, and the bill went through the Senate, and now the conferees report it to us with a tax reduction in the amount of $222,000,000. The first of this week I called at the office of the Director of the Budget. General Lord was not in, but I left word there at his office that I wanted his estimate of expenditures authorized by new legislation passed since last December. I hope I am not taking up too much of the gentleman's time.

Mr. HAWLEY. Well, I hope the gentleman will speed up his question.

Mr. RAMSEYER. I will be as brief as possible. This morning General Lord called me up and told me what the present estimates of expenditures for the fiscal year 1929 are; that is, including legislation authorizing additional appropriations that have been passed since this bill passed the House, and estimating the amounts involved in bills that are likely to become law, but not including Muscle Shoals, Boulder Dam, or the corn borer bill. General Lord told me that the Budget estimate of the surplus for next year—that is, the fiscal year 1929—is $142,000,000. That estimate is based on the existing tax laws. This bill reduces the Government income by $222,000,000, and, of course, if General Lord is correct, not including the three bills excluded from the estimate that will likely become law before the next fiscal year is over, you will have an estimated deficit in the Treasury for 1929 of $80,000,000. That is the difference between the surplus of $142,000,000 for next year and the tax reduction carried in this bill. I am just wondering how the conferees are figuring upon having enough money to run the Government next year, using these figures.

Mr. HAWLEY. I have answered that in the statement I have already made. I think there will be money sufficient.

Mr. RAMSEYER. I do not think the gentleman's answer was based on the latest estimates from General Lord. Those items of expenditures, caused by new legislation, were not included and before the House at the time the estimates were made last December. I know that heretofore the Treasury estimates of revenue have been underestimated, but Treasury officials assured the committee this year that they did not underestimate the probable receipts for next year.

Mr. HAWLEY. The actual reductions for 1929 are only $145,000,000. We did not make this bill retroactive, but moved the effective date forward a year.

Mr. RAMSEYER. I will ask the gentleman to answer this question, then: Will the reduction carried in this bill be $222,000,000 for the next fiscal year.

Mr. HAWLEY. No; because we will go for a year under existing law.

Mr. RAMSEYER. Beginning on the 1st of July what is the estimate of reduction for the next fiscal year?

Mr. HAWLEY. One hundred and forty-five million dollars.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. CHINDBLOM. With reference to amendment 215, relating to installment sales, the gentleman said the conferees have substituted the words "an original return" for the words "a return or an amended return." That is the first time the words "an original return" are used in a tax bill. There is no such designation or such term now in the revenue act, and I would like to ask the gentleman whether it is intended that the words "original return" shall have any different meaning from what the word "return" now has in the present revenue law.

I have in mind particularly what is called a tentative return, and the Treasury Department and the Board of Tax Appeals have held that a tentative return is only in the nature of an application for an extension of time and that the complete return subsequently filed is the return under the law.

Mr. HAWLEY. That is correct. I must reserve the balance of my time, because I have promised to yield some time to other gentlemen.

Mr. CHINDBLOM. Is it the purpose to change the definition of a return or the meaning of the word "return" as it is in the law now?

Mr. HAWLEY. There is no definition of a return in the law. The word is there but it has never been defined.

Mr. CHINDBLOM. Oh, yes; it has a well-defined meaning.

Mr. FREAR. Will the gentleman yield for a short question?

Mr. HAWLEY. Yes.

Mr. FREAR. I understand the deduction for doctors attending conventions was taken from the bill by both the Senate and the House?

Mr. HAWLEY. Yes.

Mr. FREAR. Will the gentleman just explain the reason, so we may explain that to those who have sent word to us?

Mr. HAWLEY. The conferees on both sides, having examined the question, found that the deduction asked for would extend so far that we could not compute how much it would decrease the revenue or how it would operate, and we thought that for the present the existing law should stand as it is.

Furthermore, the time has come for us to give more careful attention to proposals to obtain deductions which are in fact not business expenses.

I think the following table will be of interest:

	Act of 1926	1928 bill (H. R. 1)			House bill	Senate bill	Conference agreement
		House	Senate	Conference			
	Rates				Loss in revenue		
Corporations:							
Income tax	13½ per cent	11½ per cent.	12½ per cent.	12 per cent.	$164,600,000	$82,300,000	$123,450,000
Credit, if net income $25,000 or less	$2,000	$3,000	$3,000	$3,000	12,000,000	12,000,000	12,000,000
If net income not more than $15,000 reduce tax on amounts of—							
Not more than $7,000 to		5 per cent.			24,000,000		
Over $7,000 to $12,000 to		7 per cent.					
Over $12,000 to $15,000 to		9 per cent.					
Individuals:							
Surtaxes between $20,000 and $80,000	Various	No change	Reduced	1926 rates		25,000,000	
Earned income, 25 per cent credit limited to	$20,000	do	$30,000	$30,000		4,500,000	4,500,000
Admissions and dues:							
Admissions tax (see "Prize fights," below) of 1 cent per 10 cents or fraction does not apply on amounts not in excess of.	75 cents	$1	$3	$3	8,000,000	17,000,000	17,000,000
Club-dues tax, annual	10 per cent	5 per cent.	10 per cent	10 per cent	5,000,000		
Does not apply if annual dues not in excess of	$10	$10	$25	$25		1,000,000	1,000,000
Excise taxes: Automobiles, sales by manufacturers	3 per cent	Repealed	Repealed	Repealed	66,000,000	66,000,000	66,000,000
Foreign-built boats:							
Annual tax per foot (see "Foreign-built boats," below) if over 5 net tons and between—							
32 and 50 feet long	$2	$10					
50 and 100 feet long	$4	$20	do	do		10,000	10,000
Over 100 feet long	$8	$40					

	Act of 1926	1928 bill (H. R. 1)			House bill	Senate bill	Conference agreement
		House	Senate	Conference			
	Rates				Loss in revenue		
Narcotics: Retail dealers, annual license tax	$6	$6	$3	$3		$150,000	$150,000
Stamp taxes:							
Capital stock, sales, or transfers, per $100	2 cents	1 cent	2 cents	2 cents	$8,800,000		
Produce, sales of, on exchange, per $100	1 cent	Repealed	1 cent	1 cent	3,000,000		
Cereal beverages: Containing less than one-half of 1 per cent of alcohol, per gallon.	0.1 cent	do	Repealed	Repealed	185,000	185,000	185,000
Wines: War-time rates (act of 1918)	Same as 1918 act.	Reduced	Reduced	Reduced	930,000	1,000,000	1,000,000
Total reductions					292,515,000	209,145,000	225,295,000
	Rates				Increase in revenue		
Withholding at source					$2,000,000	$2,000,000	$2,000,000
Prize fights: Tax of 25 per cent on admissions in excess of $5 per seat					750,000	750,000	750,000
Foreign-built boats:							
Increased tax on					30,000		
Customs revenue by reason of, definition						50,000	50,000
Total increases					2,780,000	2,800,000	2,800,000
Net reduction					289,735,000	206,345,000	222,495,000

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

Mr. HAWLEY. I can not yield further. I have promised to yield some time to other gentlemen.

Mr. Speaker, I reserve the balance of my time and yield 30 minutes to the gentleman from Texas [Mr. GARNER].

The SPEAKER. The gentleman from Texas is recognized for 30 minutes.

Mr. GARNER of Texas. Mr. Speaker and gentlemen of the House, let me say in the beginning, in answer to the question of the gentleman from Illinois, that the gentleman from Oregon did not answer it the way I think it should be answered, and that he did not state the purpose of our committee. We did not agree to that amendment. We did not want it in the bill. We did not believe it was just or right, but not being able to overcome the Senate we gutted it as far as we could. That is what we did. We simply took away from you every opportunity to take advantage of that amendment that we possibly could. That is all. We had just as well admit it, because that is what we did.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. GARNER of Texas. Yes.

Mr. CHINDBLOM. Of course, there is no occasion for the gentleman directing a personal reference to me.

Mr. GARNER of Texas. I did not mean a personal reference. I will take some friend over here, to whom I can make the reference.

Mr. CHINDBLOM. All I wanted to make certain by my inquiry was as to what was intended by the use of the words "an original return," which for the first time occur in a revenue act.

Mr. GARNER of Texas. We simply instructed the draftsman, when the Senate agreed to that amendment, to strike out those words and to make the section apply as narrowly as possible, and the Senate agreed to it. Let me tell you what that amendment did and then you will understand all about it.

Mr. TREADWAY. Will the gentleman yield?

Mr. GARNER of Texas. Yes.

Mr. TREADWAY. Did it not come up in the conference that the reason for the word "original" going in was to draw attention to the fact that we did not want to allow an amended return?

Mr. GARNER of Texas. Yes. Let me tell you what that amendment does. You have all received telegrams from every furniture dealer in the country. When a big fellow gets caught he gets the little fellow to do his job for him. This would cost the Treasury about $8,000,000, and Sears, Roebuck & Co. would get $2,450,000, and Mr. Rosenwald probably would make another donation to charity or to Hoover's campaign fund, I do not know which. That is exactly what that amendment meant and what it does mean. We could not get the Senate to recede. So we got them to recede on everything except an original return, and then we tried to provide that no consideration should be given to any one of those returns except an original return.

Now, that is why the amendment was placed in there, as called attention to by the gentleman from Illinois [Mr. CHINDBLOM].

Now let me call your attention to another matter—and I particularly call the attention of the gentleman from Iowa [Mr. RAMSEYER] and the gentleman from Illinois [Mr. DENISON] to this. This bill reduces taxes—now, listen—this bill provides a permanent reduction of taxes of $225,500,000, in round numbers. It lacks about $15,000 of being $225,500,000. I have the Treasury Department estimates. These are not my estimates. These are the estimates of Mr. Parker, the expert of the joint committee, and while the actual tax reduction in rates is only $222,495,000, the statutory reduction, which the gentleman will get quite familiar with when he is on the Ways and Means Committee a little longer, by deductions and regulations amounts in this bill to $2,920,000. So I do not want the gentleman to be misinformed as to the total amount of reduction. However, for the fiscal year 1929 the tax reduction will only be $145,000,000. I want you to understand just what is the financial situation.

Mr. RAMSEYER. Will the gentleman yield?

Mr. GARNER of Texas. Certainly.

Mr. RAMSEYER. The gentleman heard my statement as to the probable surplus, which I got from General Lord this morning over the telephone, being for the fiscal year 1929, $142,000,000. If we have a tax reduction of $145,000,000 for next year, how much are we going to be in the red, not counting Muscle Shoals, Boulder Dam, or the corn borer bill?

Mr. GARNER of Texas. I do not think there is any doubt about this—and I think the House might just as well understand this one thing—this tax reduction bill we are agreeing to now, if we do agree to it, and I believe we will, is a greater tax reduction compared with the appropriations and authorizations than the bill we passed in the House.

I can demonstrate to any man living that this bill, in view of the legislation since we passed the tax bill in December, is a greater tax reduction bill in view of such appropriations and expenditures than what we voted for in the House. So any time that any one of the 93 Members on the Republican side voted against it, before he thinks he can get away with the idea it is nearer the amount that the President recommended, he is mistaken.

Mr. WILLIAMSON and Mr. JACOBSTEIN rose.

Mr. GARNER of Texas. I first yield to the gentleman from South Dakota.

Mr. WILLIAMSON. What I would like to ascertain is whether or not the bill will result in a deficit when we take into consideration Muscle Shoals——

Mr. GARNER of Texas. The gentleman need not ask me that, and I will tell him the reason. I have not had time since this conference committee has been in session, or even in the last two weeks, to ascertain the amount of authorizations and appropriations that will likely occur in 1930. I think the gentleman from Indiana [Mr. WOOD] and the gentleman from Tennessee [Mr. BYRNS] will have to give us those amounts. That is the only way I know to get them, unless we have a recapitulation by the Treasury Department.

Mr. JACOBSTEIN. Will the gentleman yield now?

Mr. GARNER of Texas. Certainly.

Mr. JACOBSTEIN. Was there not some rumor that the President would veto the bill that we passed, and now that the tax reduction is more——

Mr. GARNER of Texas. I do not think anybody seems to be able to speak for that gentleman with any degree of accuracy, and I certainly will not undertake it. [Laughter.]

Mr. CROWTHER. Will the gentleman yield to me?

Mr. GARNER of Texas. I yield to the gentleman, certainly.

Mr. CROWTHER. I would like to ask the gentleman how much has been saved to the Government by the striking out of the "27's" and putting in "28's." We really have no tax reduction under this bill for 1927.

Mr. GARNER of Texas. None whatever. We save by that $135,000,000, if you want to be perfectly accurate about it.

Now, gentlemen, let us take a survey of the situation for a moment, if we may, and see what is the position of the House of Representatives compared with the executive branch of the Government and their recommendations.

This is not a partisan bill except in so far as 93 Republicans in this House voted against the House bill, and that is all the record they have got. So far as this bill is concerned, it has no partisanship in it that the parties will be divided in adopting the conference report or that the conferees did not work, so far as the House is concerned, absolutely in unison as compared with the Senate conferees acting for the Senate. There was no partnership in the conference—or as little as I have ever seen in my life, and as little as you would have in a conference on an appropriation bill—and this is the result of six months' work, or the lack of six months' work, we might say, on the part of the Senate.

Now, what did the Executive do? The President of the United States, through his Secretary of the Treasury, urged upon Congress a reduction of taxes to the extent of $225,000,000. The Secretary of the Treasury in pursuance of that instruction recommended to Congress certain reductions, going to the extent of even suggesting the rates of the intermediate brackets to go into the law, something that no Secretary of the Treasury up to that time had ever had the audacity to do; that is, to write up the rates and hand them to the committee and say, "Here is what you should put in the law."

Now, what did he recommend? His principal recommendation at the start was that we reduce the individual taxes $50,000,000, commencing with people of $600,000 worth of property up to $600,000,000 worth of property; and giving $30,000,000 of reduction to those who had an income in excess of $70,000, and $20,000,000 between $70,000 income and $14,000 income. This is what was known as the intermediate brackets reduction to individuals.

The House of Representatives declined to consider it—in fact, the House of Representatives, so far as individual taxes are concerned, did not touch that schedule at all, but left it entirely alone under the present law.

The next tax the President recommended was a repeal of the estate tax, and you know what happened to that. You did not have the courage—if you believed in the repeal of it—to make a motion for its repeal, but when the contest came in the Senate they were whipped over there and there was nothing left of it for the conferees.

The Secretary of the Treasury went out of his way to insist on the retention of certain taxes, among which was the automobile tax. You remember the Secretary of the Treasury appeared before the Ways and Means Committee and urged that tax be retained. The House of Representatives struck it out. We cut it to 1½ per cent in the committee, and then we finished it in the House and didn't even have a roll call on it.

Now, I want you to compare the proposed law with what the President of the United States asked us to do through the Secretary of the Treasury and see, apparently, how little influence this great Secretary of the Treasury, the greatest since Alexander Hamilton, has upon the Congress of the United States. He seems to have a wonderful influence throughout the country, judging from the newspapers, but when it comes to economic matters, this wonderful man, the greatest Secretary since Hamilton, and whose statue sometime may be put on top of the Treasury by future generations who think the same as you do—does not seem to have any influence on you at all, for you repudiate him on every occasion.

Now, we had a consolidated-return provision in the bill when it went to the Senate, and I want to call your attention to that if I may. You remember I told you, when the bill went to the Senate, that there would not be any legislation if the House provisions were not changed to continue the present law, and along in December and January the Treasury Department through its propaganda agitated having no tax reduction—that they did not want any. But they said, "We will take a little time on it and put it off until the 15th of March and see how much revenues we have." The revenue estimated at that time on the 15th of March only differed $11,000,000 from what it was then. The same estimate made after March 15, 1928, as compared with the time before differed only $11,000,000. You put it off for the purpose of having plenty of time to defeat some of these provisions, and you did it. What did you do? You put in a provision in the Senate, a substitute for the consolidated return, and the law that is now going to be on the statute books is much better than it was before. Let me show you what they did—and I am mighty glad they did it. They struck out the class B affiliations and only left it for the big fellows, the mother corporations. The mother corporation is the only one that has anything left. Do you know what she has to do? Some of my friends have asked me to strike it out, and I said, "No; I am going to try and hold it in." It requires every corporation who wants to take advantage of this unfair arrangement—to make a general return as against the single return—to agree when he makes it not to go into court. In other words, if Mr. BACHARACH and his corporation consisting of a dozen—before he can take any advantage under this provision he must sign an agreement with the Secretary of the Treasury that he will do its bidding and will not go into court.

Mr. JACOBSTEIN. Will the gentleman yield?

Mr. GARNER of Texas. Certainly.

Mr. JACOBSTEIN. Does that agreement preclude going into the Court of Tax Appeals?

Mr. GARNER of Texas. Certainly.

Mr. JACOBSTEIN. Is the Court of Tax Appeals considered a court?

Mr. GARNER of Texas. That is my understanding of it. I see my expert, in whom I have a good deal of confidence, shake his head, indicating that that is not his interpretation of it. Perhaps I should be more specific. The taxpayer can not attack the regulations, any more than he could if they were written into the statute; but he can appeal, of course, if he does not think they are applied correctly to his case. When they asked me to strike it out, I said, "No; I will make it as onerous on these folks as I can—these people who want to take advantage of an unjust, indefensible provision in the law giving some corporations an advantage that others do not get." Do you know how many took advantage of that? Between 8,000 and 12,000 corporations. But I shall not go into that. I surrendered on that, because I thought I had to. I thought if I came back here that I would get licked. I had canvassed the situation pretty closely. If I had not thought that, I would have come back here with it. I believe in it intensely. I do not believe one corporation ought to have an advantage over another corporation, and if I ever have my way I am going to abolish it, and some of these days I hope to have my way. [Applause on the Democratic side.]

You ask me why I gave up on the graduated tax; and by the way, Mr. Speaker, I ask unanimous consent at this point to extend my remarks in the RECORD by inserting therein a statement prepared by Mr. McCoy. Nearly every gentleman in the House knows Mr. McCoy.

I do not think there is a more honest man in the District of Columbia than Mr. McCoy. He has a lot of sense, and he is the best estimator this country has ever had. Nobody is ever going to make him say what he does not believe, whether it is the Treasury Department that he is working for or anyone else. Whenever he tells me anything he pretty nearly has it sold to me. I asked him to prepare a statement for me touching the question of the graduated tax on corporations, and I shall insert it in the RECORD, but I want now to call your attention to two things in it which will interest you. Let us suppose that here are three men sitting on this bench, who are in business together in a partnership and that they make $15,000 a year. Here is another man who is in business by himself and he makes $15,000 a year. Over here is a corporation which makes $15,000 a year. Let us see how much taxes each one would pay under the present law. These three gentlemen will pay at the rate of three-tenths of 1 per cent on the $15,000. The one individual sitting over here who is in business for himself and makes $15,000 will pay at the rate of 1.75 per cent. This corporation over here, however, that made $15,000, will pay at the rate of 11.7 per cent. In other words, the corporation pays twenty-five times more in taxes than the partnership and five times more taxes than the individual. Do you believe that is right? Do you believe that is a good system of taxation, where three men in business together as partners make $15,000 and pay at the rate of three-tenths of 1 per cent, while three other men who are in business together in the form of a corporation pay at the rate of 11.7 per cent, and one individual himself, in competition with a partnership and the corporation, pays at the rate of 1.75 per cent? That is not fair. It can not stay that way long. When the people become informed about it they will ask you to change it, and you will be compelled to do it in some

way, and I know of no better way than by this graduated tax.

Our committee considered the partnership as suggested by the Treasury Department, but we found that it did not work. You have to work out some formula and I do not know of any better formula than the graduated tax. I shall insert this statement in the RECORD at this point so that if any gentleman in the future desires to look at it he may do so:

GRADUATED CORPORATION TAX

The income tax upon an individual with net income of $15,000 at present averages about 1.75 per cent, or about $262.50. (See statistics of income for 1925, p. 89.) A partnership of three equal partners, with no other income, having a net income of $15,000 will pay income tax amounting to about three-tenths of 1 per cent, or $45. A corporation with a net income of $15,000 will now pay an income tax of $1,755, or 11.7 per cent; that is, a net income depending upon the way it is taxed now pays tax averages as follows:

	Tax	Rate of tax
		Per cent
Partnership	$45.00	0.30
Individual	262.50	1.75
Corporation	1,755.00	11.70

Together with the tax on dividends.

Under the Senate provisions of the 1928 bill the corporation would pay income tax amounting to $1,500, or 10 per cent.

Under the House provision the corporation would pay $1,080, or 7.2 per cent.

In either case additional surtax on any dividends would be imposed. This means that fully 75 per cent of all taxable corporations are paying, as compared with individuals and partnerships, entirely too much tax.

The provision graduating the tax on corporations with net incomes not in excess of $15,000 would apply to about 95,000 corporations out of the 144,000 that were taxable in 1926, or about 66 per cent of the total.

It is not generally recognized that the smaller corporations pay tax at enormous rates as compared with individuals and partnerships with the same incomes. This is exactly the opposite to the rates paid by the largest corporations, who pay now at a rate of 13½ per cent as compared with an individual rate of about 16¾ per cent.

Let me now call your attention to one or two things that the Senate did which I think were entirely out of line with what good conscience and good public policy would call for. You have had a good many letters and telegrams about section 611. There are not many of you who know anything about what section 611 means. Section 611 was placed in the tax bill—and I am going to wait for some Republican now to correct me if I am wrong—because of the inefficiency of the Treasury Department, because of their mistakes made in administering the law, and those mistakes, if it were not for section 611, would cost the Treasury of the United States $100,000,000. Does any gentleman deny that? Gentlemen here on the floor of the House will give you information that is absolutely correct. What happened? We put it in in the House. It meant $30,000,000 refund of taxes and $70,000,000 to be collected in the future from taxpayers. That was the basis of the $100,000,000 loss. When we got into conference we could not get the Senate to recede. We finally tied up on two questions—the furniture outfit and 611. I believe in telling how we do these things. We tied up on them. We wanted the Senate to recede from both, but they did not want to recede because some particularly selfish people were going to get the money. We do not believe in that, but the Senate does. The result is that we compromised. We made it "original," and then we struck out subsection (b) of section 611, cutting out the $70,000,000 prospectively we were going to get, because there was some doubt about the constitutionality of it, and decided to keep the $30,000,000 that we had in the Treasury. That was the compromise between those two amendments, one of them cutting down and the other giving up the prospect of securing $70,000,000 in the future.

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

Mr. GARNER of Texas. Yes.

Mr. BACHARACH. I know the gentleman wants to be absolutely accurate. The $70,000,000 would not go into the Treasury, according to the experts. They claim the bond was for double the amount, and that there was but $35,000,000 involved, and the direct amount involved according to one of our experts instead of being $30,000,000 was $16,000,000 or $17,000,000.

Mr. GARNER of Texas. Yes; but when they were discussing this over in the Ways and Means Committee it was always $30,000,000, and I would rather take the first testimony than the last. When Paul gets converted on the way from here over there, I look upon his second statement with some suspicion. I will accept the $35,000,000 loss, as we are going to lose it anyway. And let me remind the gentleman from New Jersey that this section does not interfere in the slightest with collections in those cases where bonds were filed. The surety company must pay even though the statute has run against the taxpayer.

Let me tell you what the Senate did as the bill passed the Senate. The bill as it passed the Senate, in addition to what the purported reduction of taxes would be, amounted to a net decrease for the year 1929 of $47,220,000.

Now, remember, in addition to $205,000,000 or $206,000,000, or $205,000,000 plus, the Senate added by a statutory provision such as I called your attention to, $70,000,000, leaving a decrease of taxes of $47,000,000 over $39,000,000 and $2,920,000 for all subsequent years. And remember, now, this $2,920,000 is a tax reduction for all subsequent years. If you want me to, I will give you the amendments that do the job. The amendments that the House agreed to, that do that in this bill, are amendments numbered 29, 30, 32, 61, 78, 91, 159, and 161. This will go into the RECORD, and by consulting the RECORD you can see for yourselves just exactly in what language they were:

Statutory changes

DECREASES

Amendment No.	1929	1930	Subsequent
26	$1,500,000	$1,500,000	$1,500,000
29	75,000	75,000	75,000
30 and 32	450,000	450,000	450,000
33	100,000		
36	1,000,000	1,000,000	1,000,000
61	50,000	50,000	50,000
64	25,000	25,000	25,000
78	1,500,000	1,500,000	1,000,000
81	400,000	400,000	400,000
82	125,000	125,000	125,000
91	10,000,000	5,000,000	2,500,000
148	2,500,000		
157	5,000,000	2,500,000	
159	40,000	40,000	40,000
161	5,000	5,000	5,000
169 to 174	1,000,000	500,000	
175 and 176	5,000,000	3,000,000	
190	20,000,000	17,500,000	
214	1,500,000	1,000,000	
215	1,500,000	1,000,000	
Total decrease	51,770,000	35,670,000	7,170,000

INCREASES

34	$750,000	$750,000	$750,000
115 and 116	3,500,000	3,500,000	3,500,000
Total increase	4,250,000	4,250,000	4,250,000
Net decrease	47,520,000	31,420,000	2,920,000

Now, you have some provisions in this bill that I do not know about. I am not sufficiently an expert to tell just what the workings of business will bring about with respect to them. There is what is known as the pension-fund trust. You are going to permit all big business to set up a pension-fund trust, concerns like the International Harvester Trust and the General Electric Co. The question arises as to who is getting the most of the benefits.

Mr. TREADWAY. Mr. Speaker, will the gentleman yield there?

Mr. GARNER of Texas. Yes.

Mr. TREADWAY. Does not the gentleman mean that the employees of these companies are getting the benefits? It is more for the benefit of the employees than anybody else.

Mr. GARNER of Texas. Yes. The point is, the company wants to get a deduction, and in the way the Senate has fixed it the International Harvester Co. will get a total deduction of all that fund that has accumulated for 20 years, spread over, as I understand, the number of years that the pension fund has been accumulating.

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

Mr. GARNER of Texas. Yes.

Mr. BACHARACH. I know the gentleman wants to be correct in this statement. The way it stands to-day, the corporations could get this money back into its own clutches to do what it pleases. If we pass this bill, the money will go into the employees' trust, which is beyond the control of the employer.

Mr. GARNER of Texas. The expert of the Treasury Department, in whom I have the utmost confidence, has prepared this, believing it makes a good place in the law and will be better

for the Treasury than the present law. Therefore we agreed to it.

But it only shows one thing, that all taxpayers are continually trying to get in under cover of an advantage, and when we try to take away the advantage from them they cry like a child and say, "It is a vested right."

The gentleman from Maryland [Mr. LINTHICUM], sitting in front of me, spoke to me about that this morning. They had over in the Senate what is known as the Reed amendment. I have had several hundred telegrams about that, mostly from insurance agents, I should think. They probably got telegrams from the insurance lobby here and naturally wired us.

What was the Reed amendment? It provided that all joint-stock companies engaged in the insurance business of whatever kind——

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

Mr. GARNER of Texas. We have plenty of time to-day. What are you going to do this afternoon? [Laughter.]

Mr. HAWLEY. I have three minutes left. I will give the gentleman that.

Mr. GARNER of Texas. I ask unanimous consent, Mr. Speaker, to speak for 10 minutes.

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

There was no objection.

Mr. GARNER of Texas. I want to speak about the Reed amendment, offered by Mr. REED of Pennsylvania. Some of the Members here may want to ask me questions about that amendment. Many of these mutual insurance companies are now exempt from taxes under the law. The joint-stock companies are not exempt. Is that correct? It is the joint-stock companies that this amendment applies to.

Now, suppose one of you gentlemen has got a million dollars, and you are going into the banking business, and you, over there, have got a million, and you are going into the manufacturing business, and I have got a million dollars and I put mine into an insurance company, a joint-stock company, to buy and sell securities.

In the course of trade we buy United States Steel and General Motors, put it in our treasury, and before the year is over we sell it, and thereby make money. You over there have to pay on your profits, and you have to pay on yours over there, but I do not have to pay on mine, and now, because I have to pay on mine, why, it is an awful thing! I say, "I have had this privilege all this time, and now you are going to take it away from me."

Mr. LINTHICUM. They are assessments, and under the laws of the State they are set aside for the security of the bond.

Mr. GARNER of Texas. Oh, certainly. The mutual companies are subject to it. Do you want an advantage for the mutuals?

Mr. LINTHICUM. Mutual companies do not figure largely in these matters.

Mr. TREADWAY. The Reed amendment puts joint-stock insurance companies on a parity with mutual insurance companies?

Mr. GARNER of Texas. Yes; so that they all stand on the same bottom.

Mr. LINTHICUM. I do not think the gentleman realizes the fact that these are investment companies and those funds are largely set aside under the laws of the various States for the security of their bonds.

Mr. GARNER of Texas. That is all right. If you do not make any money out of that investment and set it aside, you are not going to pay any taxes, but if you make money you ought to pay taxes like everybody else. Do not tell me that men join together and form an insurance corporation for any other purpose than to make money, and when they make money they ought to pay taxes like everybody else. [Applause.]

Mr. FORT. Will the gentleman yield?

Mr. GARNER of Texas. Yes.

Mr. FORT. I quite agree with the gentleman, from some knowledge of the question, that the insurance companies should pay on their losses and profits, the same as anyone else, but I do not quite agree with the gentleman that mutual companies under this bill do so pay.

Mr. GARNER of Texas. I agree with the gentleman; but wait a minute——

Mr. FORT (interposing). I just want to ask the gentleman one question. In the drafting of any subsequent tax bill the gentleman will be prepared to consider putting mutual companies on an absolute parity with stock companies in this respect?

Mr. GARNER of Texas. I surely will, sir. I think they ought to be on the same parity, and I will say this: That so far as some other provisions of the law are concerned, mutual companies do get some advantages which stock companies do not get.

Mr. FORT. As long as that is going to be cured the next time it is all right.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. GARNER of Texas. Yes.

Mr. WAINWRIGHT. Has the gentleman informed the House about how much in revenue this Reed amendment will produce? It is a large amount.

Mr. GARNER of Texas. No; but I know it is hard to estimate.

Mr. WAINWRIGHT. It runs into many millions of dollars.

Mr. GARNER of Texas. Well, the Treasury Department declined to make an estimate because it is so uncertain, and unless they have some kind of a measuring stick they decline to give us an estimate.

Mr. WAINWRIGHT. My recollection is that Senator REED said on the floor of the Senate that it would amount to $30,000,000 or $40,000,000.

Mr. GARNER of Texas. Oh, no. That was his original amendment. Gentlemen, we did another thing that all of you will be delighted with that I do not think my colleague called your attention to. We backed up on section 115, so you can write to all of your lumber people and all of your mining people and tell them we backed up, and over the next 50 years they will probably get an advantage of $35,000,000 in their business as compared with other businesses. We figured that was the best we could do on account of the pressure that has been brought to bear, the Senate having passed the amendment and all of you having been importuned about it. So we did the best we could, and in the first place I think we put it in for the purpose of a trade anyway, and we got along pretty well with that amendment.

I want to say this in concluding, that I never served on a conference that was more agreeable than this one. I want to commend the gentleman from Oregon [Mr. HAWLEY] for his fairness as well as the fairness of other members of the conference. We got together before we went over to the Senate and tried to iron out our differences, and we did that to a remarkable extent. I gave up everything to the extent of about 90 per cent, while HAWLEY, TREADWAY, and the other conferees gave up about 10 per cent, so we got along as well as you could possibly imagine.

Mr. FULBRIGHT. Will the gentleman yield?

Mr. GARNER of Texas. Yes.

Mr. FULBRIGHT. I would like to ask the gentleman if the deductible item in this bill with reference to the taxes levied by some districts for reclamation purposes is in the bill?

Mr. GARNER of Texas. Yes; we agreed to the Senate amendment, and those taxes are deductible. If there are no other questions I want to thank the House for its patience. [Applause.]

Mr. HAWLEY. Mr. Chairman, I yield two minutes to the gentleman from Illinois [Mr. CHINDBLOM].

Mr. CHINDBLOM. Mr. Speaker, a conference report is always the result of compromise. While, of course, I did not sit in this conference, I have studied the conference report quite carefully, and I want to congratulate the House conferees upon the result of their work. There are details in every situation of this kind which will not be satisfactory to any of us, but the House conferees brought back a bill which conforms more nearly to the views of the House Committee on Ways and Means and of the House itself than did the bill which was sent to conference.

I want to add just one word in respect to what my good friend from Texas [Mr. GARNER] said with reference to the tax reductions in this bill. He said the administration has been overruled in its recommendations. I do not think the administration will find much fault with this bill—and I have no reason whatever to say that except upon my own opinion—but the administration achieved its principal purpose; it kept down the reduction to a reasonable amount and within the resources of the Government, so that there is, I think we may all feel sure, no real danger of any deficit occurring hereafter. [Applause.]

The gentleman from Texas and his party associates, both in this body and in another body, started out to get a bill providing for tax reductions of $400,000,000. We have here a total tax reduction in schedules and rates amounting to $222,450,000, and the Treasury originally recommended a reduction of $225,000,000, so that we have even cut that amount $2,500,000.

Mr. Speaker, I shall later avail myself of the leave to extend my remarks upon the general subject of tax reduction and the financial operations of the Government during recent years.

Mr. HAWLEY. Mr. Speaker, I move the previous question on the adoption of the conference report.

The previous question was ordered.

The conference report was agreed to.

On motion of Mr. HAWLEY, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

WORLD WAR ADJUSTED COMPENSATION

Mr. HAWLEY. Mr. Speaker, by direction of the Committee on Ways and Means I call up the bill (H. R. 10487) to amend the World War adjusted compensation act as amended, with Senate amendments, and move to concur in the Senate amendments.

The Clerk read the title of the bill.

The Senate amendments were read.

The Senate amendments were agreed to.

POSTAL RATES

Mr. GRIEST. Mr. Speaker, I call up the conference report on the bill (H. R. 12030) to amend Title II of an act approved February 28, 1925 (43 Stat. 1066, U. S. C., title 39), regulating postal rates, and for other purposes, and ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER pro tempore (Mr. SNELL). Is there objection to the request of the gentleman from Pennsylvania?

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. 12030) to amend Title II of an act approved February 28, 1925 (43 Stat. 1066, U. S. C., title 39), regulating postal rates and for other purposes, 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, 3, 4, 5, 6, and 7, with amendments as follows:

Page 3, line 12, strike out "1¾" and insert "1½."

Page 3, line 13, strike out "2½" and insert "2."

Page 3, line 14, strike out "4" and insert "3."

Page 3, line 15, strike out "4¾" and insert "4."

Page 3, line 16, strike out "5½" and insert "5."

Page 3, line 17, strike out "7" and insert "6."

Page 3, line 21, strike out "7¾" and insert "7."

And the House agrees to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8 with amendments so as to make the amendment read as follows:

"That section 202, Title II, act of February 28, 1925, is amended by the addition of a paragraph 4 to read as follows:

"'(4) *Provided*, That in the case of publications entered as second-class matter where the number of individual addressed copies or packages to the pound is more than 32 and not in excess of 48, the rates of postage thereon shall be double the rates prescribed in paragraphs (1), (2), and (3-a) of the act of February 28, 1925; where the number of individual addressed copies or packages to the pound is more than 48 and not exceeding 64, the rates of postage shall be three times the regular rates, and for each additional 16 individually addressed copies or packages or fractional part of such number of copies or packages there may be to the pound the rates of postage shall be correspondingly increased over the regular rates.'"

And the Senate agree to the same.

That the Senate recede from its amendments numbered 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20.

That the House recede from its disagreement to the amendments of the Senate numbered 21, 22, and 23.

That the House recede from its disagreement to the amendment of the Senate numbered 24 with amendments so as to make the amendment read as follows:

"SEC. 9. The Postmaster General is authorized to appoint a director of parcels post."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25.

W. W. GRIEST,
C. W. RAMSEYER,
THOS. M. BELL,
Managers on the part of the House.

GEO. H. MOSES,
L. C. PHIPPS,
KENNETH MCKELLAR,
Managers on the part of the Senate.

STATEMENT

The House bill as agreed upon by the conferees remains substantially intact, except in second-class matter, where the House conferees agreed that the so-called 1921 rates in the House bill should be amended so as to fix rates midway between the 1921 rates of the House bill and the 1920 rates of the Senate bill. This compromise effects a reduction in second-class rates officially estimated at about $2,700,000.

The bill as it now stands, therefore, effects a reduction in postal revenues of about $16,285,000, or $2,700,000 more than the original House bill. As it passed the House the bill effected a reduction in postal revenues of $13,585,000; as it passed the Senate, a reduction in postal revenues of $38,550,000.

The bill includes provisions as follows:

To restore the 1-cent postage rate on post cards.

To provide for accepting business reply cards and letters in business reply envelopes for transmission in the mails without prepayment of postage.

To provide for collecting 1 cent additional an ounce on first-class matter when mailed with postage deficient more than one rate.

To reduce the postage on advertising portions of second-class matter.

To reduce the postage on magazines and newspapers when sent by others than the publisher or news agent.

To effect a minimum charge per piece on second-class matter when there are more than 32 pieces to the pound.

To provide for bulk pound rates on third-class matter.

To reduce the postage on fourth-class matter.

To provide for a special rate of postage on library books.

To provide for special handling and special delivery, combined, at reduced rates. This service is extended to all classes of mail.

To authorize the appointment of a director of parcel post by the Postmaster General.

RECAPITULATION

	Net increase in revenue	Net decrease in revenue
Sec. 1. Post cards, reduction in rate from 2 cents to 1 cent each		$1,200,000
Sec. 2. Business reply cards and envelopes, collect on delivery	$4,000,000	
Sec. 3. Deficient postage, penalty for	75,000	
Sec. 4. Second-class matter, between 1920 and 1921 rates		6,600,000
Sec. 4. Minimum charge per piece on second class		100,000
Sec. 5. Second-class matter, transient rates reduced		10,500,000
Sec. 6. Third-class matter, bulk pound rates		2,200,000
Sec. 7. Fourth-class matter, reduction in rates to distant zones		800,000
Sec. 8. Special delivery combined with special handling		600,000
Special handling exclusively		
Total	4,875,000	21,200,000

W. W. GRIEST,
C. W. RAMSEYER,
THOS. M. BELL,
Managers on the part of the House.

Mr. GRIEST. Mr. Speaker, the conferees have reached an agreement that must be gratifying to the House which originally passed the bill H. R. 12030 unanimously. Of the 10 provisions in the House bill, 8 of them come out of conference intact, just as the House agreed to them.

Mr. GARNER of Texas. Has the gentleman from Pennsylvania observed what the President has said concerning this bill in the veto of another bill?

Mr. GRIEST. If the gentleman will permit, let me first make my statement and then I will yield to the gentleman.

Of the two provisions in the House bill that have been changed, one is with regard to second-class rates on newspapers and periodicals and the other is with regard to library books. The rate on library books as passed by the House was reduced slightly by unanimous consent of the conferees after the Senate had amended the bill accordingly. On second-class rates, you will recall that the House contended for the 1921 rates and the Senate for the so-called 1920 rates. A compromise was effected by agreeing on a new rate midway between the 1920 rates and the 1921 rates, effecting a further reduction of the revenues officially estimated at $2,700,000, but thought by many, by reason of the new business which will probably come along, to mean a reduction of not more than $1,000,000 over the provision of the House bill.

The other two amendments by the Senate that were important were the amendments on fourth-class rates and on third-

class rates, and on these the Senate conferees receded, so that the only important amendment in the bill is with respect to second-class rates, as previously stated.

The bill as it passed the House originally called for a reduction in rates of about $13,000,000. As it passed the Senate it called for a reduction in rates of about $38,000,000. As it comes out of conference it calls for a reduction of rates of perhaps $16,000,000—not more than that—and if new business comes in from the reduction of these rates the loss in revenue will not be nearly so great.

I now yield to the gentleman from Texas for a question.

Mr. GARNER of Texas. I wanted to ask the gentleman if he had in mind or had noticed what the President said of this proposed legislation in a veto message on another bill that came here?

Mr. GRIEST. The gentleman means the vetoed postal bills?

Mr. GARNER of Texas. Yes; the President refers to this proposed legislation and intimates that this is a reduction that is a little too heavy on the Post Office Department, and that in view of the proposed expenditures under the two bills he vetoed he would be compelled to return this bill to the House of Representatives.

Mr. GRIEST. My understanding is that the President favored the bill as it originally passed the House; that he was opposed to the bill as it passed the Senate; and the conference report gives us a bill so nearly like the House bill that we are very hopeful he will approve the bill.

Mr. KINCHELOE. Will the gentleman yield?

Mr. GRIEST. Yes.

Mr. KINCHELOE. Was the agreement that the conferees arrived at the Moses amendment?

Mr. GRIEST. Yes.

Mr. KINCHELOE. Did it provide that the 1920 rates should apply to and include the fourth zone?

Mr. GRIEST. It applies to all the zones, but there are different rates on each zone.

Mr. KINCHELOE. I understood that the Moses amendment provided for the 1920 rates up to and including the fourth zone, and for the other zones the 1921 rates applied.

Mr. GRIEST. That is correct.

Mr. KINCHELOE. And that is what the conferees agreed on?

Mr. GRIEST. Yes. The amount of reduction is about split in half between the 1920 rates and the 1921 rates. It was a 50-50 compromise.

Mr. KINCHELOE. I understand that; but the conferees did agree to the Moses amendment?

Mr. GRIEST. Certainly; I have so stated.

Mr. GREEN. Will the gentleman yield?

Mr. GRIEST. Certainly.

Mr. GREEN. The conference report does not carry any higher rates to the people than the measure we passed?

Mr. GRIEST. Oh, no; they are lower on second-class and library books and the same elsewhere, but lower everywhere than under existing law.

Mr. DAVIS. Will the gentleman yield?

Mr. GRIEST. Yes.

Mr. DAVIS. What is the estimate of the Post Office Department as to the loss that would be sustained to the Post Office Department under this bill?

Mr. GRIEST. I have stated that, but I will be pleased to restate it. The estimate of the Post Office Department on the loss under the bill as it now stands is $16,000,000 or thereabouts, and the department approves the measure.

Mr. DAVIS. Is it that much more than the present loss or that much in the aggregate?

Mr. GRIEST. It is that much more than under the existing law.

Mr. DAVIS. And how much is there under existing law with respect to the loss on second-class matter?

Mr. GRIEST. There is a great variety of opinion about that. The cost ascertainment issued by the Post Office Department made that loss over $84,000,000.

Mr. Speaker, I move the previous question on the adoption of the conference report.

The previous question was ordered.

The conference report was agreed to.

On motion of Mr. GRIEST, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

THE APPLICATION OF THE REVENUE LAWS TO HAWAII

Mr. HOUSTON of Hawaii. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill H. R. 1, the revenue bill.

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

There was no objection.

Mr. HOUSTON of Hawaii. Mr. Speaker, in connection with H. R. 1 may I not invite attention to the fact that by the adoption of the conference report the Territories of Alaska and Hawaii will continue to labor under what we consider inequitable and inconsistent application of the tax laws? Our officers and employees will have to pay Federal income tax on the salaries received from the Territories and their political subsidiaries. All State officers and employees are exempt from such taxation by decision of the United States Supreme Court. The House remedied this in this bill to exempt school-teachers; the Senate committee tried to cure the situation, but the amendment was so loaded on the floor of the Senate that the conferees struck out the Senate amendment. And now, Mr. Speaker, I want to express here my sincere appreciation for the wide and generous sympathy that has been accorded to the Territory of Hawaii in our efforts at obtaining legislation that will put us on a parity with the other parts of these United States, to which we are proud to be bound by ties which we have always felt made us part and parcel of the Union.

For 30 years Hawaii has been in the legal status of full and complete political union with and incorporated into the United States as an integral part thereof.

Many people since our union, even down to the present day, fail to realize just what Hawaii is, where we are, what language we speak, and, above all, do they fail to realize that what is good for the States must be good for the Territory of Hawaii.

This misunderstanding of our status had, in 1923, become so marked, involving as it did the provision of various and sundry financial aids for the States and extending back for a period of seven years at least, that the legislature of the Territory viewed the continuance of this misunderstanding with so much concern that it passed a resolution on the subject, copy of which I will ask to have here inserted in the RECORD:

BILL OF RIGHTS

An act to define and declare the claims of the Territory of Hawaii concerning its status in the American Union, and to provide for the appointment of a commission to secure more complete recognition of such claims by the Federal Government

(L. 1923, c. 86, approved April 26, 1923)

Whereas for a quarter of a century Hawaii has occupied the legal status of full and complete political union with and incorporation into the United States as an integral part thereof, and for half a century prior thereto negotiations and dealings between the two countries looked to such status as the basis for annexation, when effected; and

Whereas a misunderstanding appears to exist in the Congress and in some of the executive departments of the Federal Government as to the status of Hawaii in the American Union, and its rights therein, which misunderstanding has at times resulted in the classification or treatment of Hawaii by the Congress and some of the said executive departments as if it were an "insular possession," in a manner derogatory to the dignity of this Territory; and

Whereas such misunderstanding has led to the exclusion of Hawaii from participating in certain appropriations made to all the States, for education, good roads, farm loans, and for other purposes, which exclusion is inconsistent with the rights, and to the material loss of this Territory; and

Whereas the Legislature of the Territory of Hawaii views with concern the continuance of said misunderstanding, fearing that it may settle into a permanent discrimination against the Territory of Hawaii; and

Whereas it is in the interest of all concerned that such misunderstanding be removed and the status of Hawaii in the Union definitely and authoritatively established: Therefore

Be it enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Hawaii's claims concerning its status in the American Union: That the Legislature of the Territory of Hawaii hereby makes formal assertion and declaration of the claims of said Territory concerning its status in the American Union, as follows:

1. That the Territory of Hawaii is an "integral part of the United States."

2. That as such "integral part," Hawaii can not legally, equitably, or morally, be discriminated against in respect of legislation applying to the Union as a whole.

3. That Hawaii is a unit within the American scheme of government, with rights and powers differing from those of the States, in so far as certain features of a Territorial government differ from those of a State; but Hawaii carries all the financial responsibilities and burdens of a State, so far as the Federal Government is concerned, and functions practically as a State in nearly every other respect. It should, therefore, be accorded all of the benefits and privileges enjoyed by States, in respect of matters wherein its functions and responsibilities are the same as those of a State.

REASON FOR THIS DECLARATION

This declaration, and its method of promulgation, are extraordinary—unique in the history of legislation.

The reason for this procedure is that an extraordinary and critical situation faces Hawaii—one unique in history.

This extraordinary and critical condition arises out of the following facts:

HAWAII ANNEXED BY AGREEMENT WITH A SOVEREIGN NATION AND NOT BY PURCHASE OR CONQUEST

1. Of all the many acquisitions of territory by the United States, with the exception of Texas, which came into the Union as a State, by exactly the same procedure as did these islands, Hawaii alone became a part of the Union by voluntary agreement as an independent nation, having sovereign powers coequal with those of the United States.

All other annexations of territory were by purchase or conquest, by virtue of which such territories, respectively, became the property or "possessions" of the United States, subject to be dealt with as "property," with no limitation upon their treatment by the Federal Government save that of humanity.

HAWAII POSSESSED OF INALIENABLE RIGHTS TO MAINTENANCE OF WHICH GOOD FAITH OF UNITED STATES IS PLEDGED

2. That under said circumstances and the terms of the agreement of annexation, Hawaii is in no sense the "property" or a "possession" of the United States, but became incorporated into and is an "integral part" of the Union, and thereby acquired certain inalienable rights, contractual, equitable, and moral, to the maintenance of which the good faith of the United States is pledged.

HAWAII'S RIGHTS DENIED OR IGNORED

That, notwithstanding the foregoing facts, although Hawaii has been held by the Congress and the Executive to the observance and fulfillment of all the responsibilities and burdens incident to its status as an "integral part of the United States," being the same as those imposed upon the several States, the rights of Hawaii, as aforesaid, have, in a growing degree and an increasing number of instances been denied or ignored by the Congress and some of the Executive Departments of the Federal Government, to her serious injury and loss.

That examples of such denial or ignoring have been the enactment of laws by the Congress extending financial aid to all of the States for education, good roads, farm loans, maternity, and for other purposes, from the benefit of which Hawaii has been excluded, either directly or by the wording of such acts.

That in addition to the specific exclusion of Hawaii from participation in said appropriation bills, it has become a practice to classify Hawaii as one of the "insular possessions" of the United States, and to officially refer to and treat her as though she were such.

DANGER OF ESTABLISHMENT OF A PRECEDENT

That in view of said policy of excluding Hawaii from said benefits as aforesaid and said classification, there is danger that Hawaii may be held guilty of "laches," and as having, by acquiescence, waived her rights.

DECLARATION ON PART OF THE TERRITORY OF HAWAII

This declaration is therefore made in order to assert and place on record the claims of the Territory of Hawaii to its status in the Union and to its rights under and arising out of the facts herein set forth, in the strongest and most formal method possible, viz: By an act passed by its legislature and approved by its governor.

DIFFERENCES BETWEEN THE STATUS OF HAWAII AND THE STATUS OF THE SEVERAL STATES

That this legislature conceives and understands that the principal and material differences between the status of Hawaii and the status of the several States are as follows

(1) That certain officers of the Territory are appointed by the President;

(2) That the Territory of Hawaii does not vote for President or Vice President;

(3) That the Territory of Hawaii is represented in Congress by a nonvoting Delegate instead of by Senators and Representatives;

(4) That the Territory of Hawaii operates under a constitution (the organic act) enacted by Congress;

(5) That the enactments of its legislature are subject to be repealed or amended by the Congress. (In the 23 years since the organization of the Territory of Hawaii, this power has never been exercised by Congress.)

Otherwise than as hereinabove last enumerated, it is hereby claimed that the status of the Territory of Hawaii is coequal with that of the several States.

The Territory of Hawaii therefore claims that it is, and of right ought to be, entitled to participate in the benefits of general legislation, particularly financial legislation and appropriations extended to or made for all the States.

SEC. 2. BASIS OF CLAIM.—The claims of Hawaii, herein set forth, are based upon the following:

(a) The history of the annexation of Hawaii; the negotiations and procedure in connection therewith; the declarations of American officials conducting such negotiations made during the progress of the same, constituting a part of the res gestæ, and tending to show the intent of the parties.

(b) The treaties and legislation effectuating the annexation of Hawaii.

(c) The interpretation of and construction placed on the treaty of annexation and legislation supplemental thereto, relating to the status and rights of Hawaii as a part of the Union, made by American executive officers in pursuance of their official duties.

(d) The acts of Congress organizing Hawaii into a Territory of the United States and subsequent legislation defining the rights and status of Hawaii in the Union.

(e) The decision of the Supreme Court of the United States relating to the status of Hawaii in the Union.

STATEMENT OF FACTS TENDING TO SUBSTANTIATE HAWAII'S CLAIMS

The following is an enumeration of the principal facts tending to substantiate the claims of the Territory of Hawaii herein set forth:

I

ANNEXATION TREATY OF 1854

The annexation of Hawaii was first formally considered between the Governments of Hawaii and of the United States in 1853–54.

At that time President Pierce, of the United States, instructed Secretary of State Marcy to commission D. L. Gregg to represent the United States in Hawaii to negotiate with Kamehameha III, King of Hawaii, for the annexation of Hawaii to the United States.

The treaty was negotiated upon the basis of Hawaii coming into the Union as a State, "enjoying the same degree of sovereignty as other States, and admitted as such to all the rights, privileges, and immunities of a State, on a perfect equality with other States of the Union."

II

STATEMENT OF UNITED STATES COMMISSIONER GREGG

Commissioner Gregg reported to the United States State Department that the Hawaiians would agree to annexation on no other basis than that of full statehood.

He said also:

"The Hawaiian authorities are especially desirous of cultivating friendly relations with the United States, and look forward to the time when their country may constitute an integral portion of the great North American Republic."

This is the first time in the history of the annexation of Hawaii that the phrase concerning Hawaii becoming "an integral portion" (or part) of the United States was used.

The treaty was approved by the King and was completed, so far as Hawaii was concerned, awaiting only the King's signature, when his sudden death terminated further consideration of the subject for the time being.

Especial attention is hereby invited to the fact that from this time forward, at every stage and in nearly every official document bearing upon the subject of the annexation of Hawaii, the corner stone of the Hawaiian position has been that Hawaii should be annexed "as an integral part of the United States," or words to that effect. There is no deviation from this position.

III

STATEMENT OF SECRETARY OF STATE MARCY

In a dispatch to Commissioner Gregg, in connection with the proposed treaty of 1854, Secretary Marcy said:

"It will be the object of the United States, if clothed with the sovereignty of that country [Hawaii], to promote its growth and prosperity. This consideration alone ought to be sufficient assurance to the people that their rights and interests will be duly respected and cherished by this Government."

(This is the first of a series of official references to and pledges of the good faith of the United States to "respect and cherish the rights and interests" of the people of Hawaii. See statements hereunder of Secretary of State Foster, President McKinley, and President Dole.)

IV

DECLARATION CONCERNING ANNEXATION IN THE CONSTITUTION OF THE PROVISIONAL GOVERNMENT OF HAWAII

Upon the overthrow of the Hawaiian monarchy, January 17, 1893, the principles of the new government were embodied in a proclamation, which constituted the constitution of the new government.

This proclamation announced the abrogation of the monarchy and the establishment of the provisional government * * * "to exist until terms of union with the United States of America have been negotiated and agreed upon."

V

INSTRUCTIONS OF PRESIDENT DOLE TO ANNEXATION COMMISSIONERS

President Sanford B. Dole, of the provisional government of Hawaii, following the overthrow of the monarchy, January, 1893, dispatched commissioners to Washington with instructions to negotiate a treaty with the United States Government, "by the terms of which full and

complete political union may be secured between the United States and the Hawaiian Islands."

VI

STATEMENT OF JOHN W. FOSTER, SECRETARY OF STATE UNDER PRESIDENT HARRISON

Upon arrival of the commissioners at Washington, President Harrison approved of the principle of annexation and designated Secretary of State John W. Foster to act on behalf of the United States in negotiating a treaty.

The Hawaiian commissioners asked for admission to the Union as a State.

Mr. Foster replied that the precise form of government would involve many details which would take much time to work out; that "bringing Hawaii into the Union" was the main object in view; that he was not adverse to statehood; but a treaty providing therefor would occasion debate and delay; that by asking for annexation Hawaii had demonstrated its confidence in the United States, and could be assured that if annexed, that confidence would be justified.

Mr. Foster thereupon proposed that the treaty should provide for the annexation of Hawaii as a Territory of the United States.

This proposition was accepted by the Hawaiian commissioners, who thereupon made formal written request for "Full and complete political union" of Hawaii with the United States "as a Territory of the United States."

Upon proceeding to draft the treaty, Secretary Foster suggested omission of the provision concerning Territorial government, on the ground that the details involved therein might cause delay, and suggested that in place thereof the treaty contain a provision that Hawaii should "be incorporated into the United States as an integral part thereof."

CENTURY DICTIONARY DEFINITION OF "INTEGRAL"

The Hawaiian commissioners were reluctant to accede to the change, but did so after looking up the definition of "integral" in the Century Dictionary, which contains the following:

"Integral * * * relating to a whole composed of parts, spatially distinct (as a human body of head, trunk, and limbs), or of distinct units."

Examples are given:

"The integral parts make perfect the whole and cause the bigness thereof."

"Intrinsic, belonging as a part to the whole, and not a mere appendage to it."

"All the Teutonic states in Britain became, first dependencies of the West Saxon King, then integral parts of the Kingdom."

VII

HARRISON ANNEXATION TREATY OF 1893

The treaty was thereupon completed in the form proposed by Secretary Foster, viz, that Hawaii was annexed "as an integral part of the United States," and in this form the treaty was sent by President Harrison to the Senate for ratification.

No action was taken on the treaty prior to the end of President Harrison's term, and President Cleveland coming into office March 4, 1893, recalled the treaty from the Senate, and no further action was taken concerning it.

VIII

CONSTITUTION OF THE REPUBLIC OF HAWAII PROVIDED FOR ANNEXATION

President Cleveland having declined to consider annexation, the provisional government of Hawaii proceeded to transform itself into the Republic of Hawaii, and on July 4, 1894, adopted a constitution enacted by a constitutional convention.

Article 33 of this constitution provided for the making of "a treaty of political or commercial union between the Republic of Hawaii and the United States, subject to the ratification of the senate"—the senate referred to is that of Hawaii.

(The provision in the constitution concerning a "commercial union" was to make provision for such a treaty if "political union" failed—the administration at Washington being then opposed to the latter. No action was ever taken looking toward a treaty of "commercial union.")

IX

THE M'KINLEY TREATY OF ANNEXATION

Upon the accession of William McKinley to the Presidency of the United States a new annexation commission was accredited to Washington by the Republic of Hawaii.

President McKinley approved of the principle of annexation, and designated Secretary of State John Sherman to represent the United States in negotiating such treaty. Ex-Secretary of State John W. Foster acted as advisory counsel for the United States.

The Hawaiian commissioners requested that annexation be expressed in the terms of the Harrison treaty, viz, that they be annexed to the United States "as an integral part thereof."

The request was complied with, and the preamble of the treaty recites that the Republic of Hawaii has expressed a desire "that those islands shall be incorporated into the United States as an integral part thereof."

"To this end" the treaty was entered into.

Section 1 of the treaty provides that * * * "The Republic of Hawaii is hereby annexed to the United States of America under the name of the Territory of Hawaii."

X

STATEMENT OF SECRETARY OF STATE JOHN SHERMAN

In a letter by John Sherman, Secretary of State, transmitting the treaty when signed by the plenipotentiaries to President McKinley, he said that, other forms of union being impracticable:

"There remained, therefore, the annexation of the islands and their complete absorption into the political system of the United States as the only solution satisfying all the given conditions and promising permanency and mutual benefit."

XI

STATEMENT OF PRESIDENT M'KINLEY UPON TRANSMISSION TO THE UNITED STATES SENATE OF THE TREATY ANNEXING HAWAII

In his letter transmitting the treaty to the Senate President McKinley said:

"The incorporation of the Hawaiian Islands into the body politic of the United States is a necessary and fitting sequel to the change of events which from a very early period in our history has controlled the intercourse and prescribed the association of the United States and the Hawaiian Islands, the organic and administrative details of incorporation are necessarily left to the wisdom of the Congress; and I can not doubt, when the function of the treaty-making power shall have been accomplished, the duty of the national interests of this rich insular domain and for the welfare of the inhabitants thereof."

XII

RATIFICATION OF THE M'KINLEY TREATY BY THE HAWAIIAN SENATE

In accordance with the constitution of the Republic of Hawaii, the McKinley treaty was thereupon ratified by the Hawaiian Senate, and the cession of Hawaii to the United States provided for, so far as Hawaii could accomplish the same.

The treaty as a whole was embodied in the resolution ratifying it. (Annexation was finally consummated, not by ratification of the treaty by the United States Senate, but by joint resolution of the Congress.)

The wording of the treaty and the action of the Hawaiian Senate are, however, of vital importance to the issue now under discussion, for the treaty states that it is made "to the end that those islands shall be incorporated into the United States as an integral part thereof," and the ratification of such treaty by the Hawaiian Senate is referred to in the joint resolution of annexation as the cession on the part of Hawaii, upon which the joint resolution was based. The joint resolution therefore incorporates into itself the said basis of annexation as much as though the resolution had contained the words "to the end that those islands shall be incorporated into the United States as an integral part thereof."

XIII

ANNEXATION OF HAWAII BY JOINT RESOLUTION OF THE UNITED STATES SENATE AND HOUSE OF REPRESENTATIVES

The Senate of the United States having failed to act upon the McKinley treaty, a joint resolution of annexation was adopted by both Houses of Congress July 7, 1898, accepting the "cession" provided for by the treaty as ratified by the Hawaiian Senate.

The preamble of the joint resolution recites such "cession" by Hawaii, and in the body of the resolution states that "such cession is accepted, ratified, and confirmed."

XIV

STATEMENT OF HAROLD M. SEWALL, UNITED STATES MINISTER AT HONOLULU, UPON FORMAL TRANSFER OF THE SOVEREIGNTY OF HAWAII TO THE UNITED STATES

Upon the occasion of formal transfer of the sovereignty of Hawaii on August 12, 1898, Harold M. Sewall, minister of the United States to Hawaii, presented to President Dole, of the Republic of Hawaii, a certified copy of the joint resolution, said: "This joint resolution accepts, ratifies, and confirms, on the part of the United States, the cession formally consented to and approved by the Republic of Hawaii."

(The "cession" referred to is the ratification of the McKinley treaty by the Hawaiian Senate, above referred to.)

XV

STATEMENT OF PRESIDENT DOLE UPON THE TRANSFER OF SOVEREIGNTY OF HAWAII TO THE UNITED STATES

In replying to the last above-noted address by Minister Sewall, President Dole said:

"A treaty of political union having been made, and the cession formally consented to and approved by the Republic of Hawaii, having been accepted by the United States of America, I now in the interest of the Hawaiian body politic and with full confidence in the honor, justice, and friendship of the American people, yield up to you as the

representative of the Government of the United States the sovereignty and public property of the Hawaiian Islands."

XVI

ENACTMENT BY CONGRESS OF AN ACT ORGANIZING HAWAII INTO A TERRITORY

On April 30, 1900, the Congress enacted the Hawaiian organic act, creating Hawaii into a Territory of the United States, providing therein, among other things:

"Section 5. That the Constitution, and, except as herein otherwise provided, all the laws of the United States which are not locally inapplicable shall have the same force and effect within the said Territory as elsewhere in the United States."

XVII

DECISION OF THE UNITED STATES SUPREME COURT CONCERNING THE STATUS OF HAWAII IN THE UNION

In 1903 the Supreme Court of the United States decided unanimously in the case of Hawaii v. Mankichi, 190 United States Supreme Court Reports 197, that Hawaii had been incorporated as an "integral part of the United States."

Several opinions were announced, but on this point the only difference of opinion was as to when such incorporation became complete.

Chief Justice White, speaking for himself and Justices Harlan, Brewer, and Peckham, said, among other things, referring to the McKinley treaty and the joint resolution accepting its terms:

"The preamble of this treaty expressed 'the desire of the Government of the Republic of Hawaii that those islands should be incorporated into the United States as an integral part thereof and under its sovereignty,' and that the governments 'have determined to accomplish by treaty an object so important to their mutual and permanent welfare.'"

(See p. 224; also separate opinion of Justice Harlan, p. 227; also p. 225: "By the resolution the annexation of the Hawaiian Islands became complete and the object of the proposed treaty, that 'those islands should be incorporated into the United States as an integral part thereof and under its sovereignty,' was accomplished.")

XVIII

DECISION BY THE DEPARTMENT OF JUSTICE AND THE BUREAU OF EDUCATION OF THE UNITED STATES UPON THE STATUS OF HAWAII IN THE UNION

After enactment by Congress of the organic act the several executive departments of the United States Government differed in their rulings as to whether general appropriations applying to these States as a whole were applicable to Hawaii, the decisions as a rule being that they did.

In 1907 the Territory of Hawaii established a college of agriculture and mechanic arts (now the University of Hawaii) and applied for Federal assistance under the acts of Congress supplementing the Morrill Act.

The executive officers of the Department of Justice and the Bureau of Education gave formal decisions that Hawaii was not entitled to aid under such acts.

Hawaii applied for a reconsideration and reversal of these decisions and presented a statement of facts and arguments supporting her position.

The said officials upon such reconsideration reversed their previous rulings and extended the aid provided by Congress to the College of Hawaii, and it has ever since shared in the general appropriations made for such colleges throughout the United States.

XIX

ACT OF CONGRESS REVERSING THE RULING OF THE TREASURY DEPARTMENT AND INCLUDING HAWAII IN GENERAL APPROPRIATIONS

After the final rulings in connection with the College of Hawaii, the Territory of Hawaii applied for aid to its topographic and hydrographic survey, under the general appropriations that were made by Congress for the topographic and hydrographic surveys "of the United States."

The executive officials of the United States Treasury Department decided that this appropriation was inapplicable to the Territory of Hawaii, and refused the latter's request.

Application was thereupon made to Congress for remedial legislation to meet this ruling of the Treasury Department, whereupon Congress passed an act on May 27, 1910, amending section 5 of the organic act by inserting therein the words "including laws carrying general appropriations" so that said section now reads as follows:

"SEC. 5. That the Constitution, and except as otherwise provided, all the laws of the United States, including laws carrying general appropriations, which are not locally inapplicable, shall have the same force and effect within the said Territory as elsewhere in the United States."

Upon the passage of this amendment to the organic act, the Treasury Department changed its ruling, and Hawaii has ever since shared in the general appropriations for such surveys.

XX

HAWAII IS SUBJECT TO EVERY TAX, IMPOST, IMPORT DUTY, AND ALL OTHER OBLIGATIONS IMPOSED UPON THE SEVERAL STATES

As examples:

Hawaii Naval Reserve and National Guard called into Federal service.

During the war the naval service and the National Guard of Hawaii were called into the service of the Federal Government and served upon the same basis as those of the several States.

Draft law applied in the Territory of Hawaii: The draft law was applied in the Territory of Hawaii upon the same basis as in the several States, and the men drafted served in the forces of the United States.

Federal internal revenue laws applied to Hawaii: All Federal internal revenue laws are applied in the Territory of Hawaii upon the same basis as the States.

In 1921, Hawaii paid Federal internal revenue taxes amounting to $20,680,103.23, a greater sum than was paid by any one of 17 States.

In 1922, Hawaii paid Federal internal revenue taxes amounting to $15,515,063.03, a greater sum than was paid by any one of 19 States.

Federal import customs duties are imposed upon all foreign merchandise entering Hawaii: In 1921, the Federal Government collected import customs duties in the Territory of Hawaii amounting to $1,426,716.32, besides other charges.

In 1922, the Federal Government collected import customs duties in the Territory of Hawaii amounting to $1,076,163.12, and other charges.

It will be noted that import customs duties collected by the Federal Government in the "insular possessions." are returned to the local government. This is not the case in the Territory of Hawaii. The entire collections are retained in the Federal Treasury.

It will be further noted that merchandise entering ports of the mainland, upon which customs duties are collected, pass on to interior States, the payment of the duties being, therefore, divided among several, if not many, States.

This is not so as to imports into Hawaii, where they are all consumed, and the Territory of Hawaii consequently pays the entire amount of the duties.

XXI

ALL CALLS BY NATIONAL GOVERNMENT AND ORGANIZATIONS FOR FINANCIAL CONTRIBUTIONS ARE APPORTIONED TO THE TERRITORY OF HAWAII UPON THE SAME BASIS AS TO THE SEVERAL STATES

Every call made by the Federal Government for subscriptions to Liberty loans and war-savings stamps was apportioned to the Territory of Hawaii upon the same basis as to the several States, and in every instance the Territory of Hawaii "went over the top" in the front rank with wide margins to spare.

Likewise, all calls by national philanthropic, patriotic, and relief organizations, national, and international, such as the Red Cross, Y. M. C. A., Belgian Relief, Near East Relief, etc., for funds, have been apportioned to the Territory of Hawaii upon the same basis as to the several States.

XXII

INCLUSION OF THE TERRITORY OF HAWAII IN FINANCIAL AND OTHER OBLIGATIONS AND EXCLUSION FROM FINANCIAL BENEFITS, UNJUST, INEQUITABLE, AND INCONSISTENT WITH PLEDGES MADE TO HAWAII AT TIME OF ANNEXATION

It is submitted that the inclusion of Hawaii in all financial and other obligations imposed upon the States, and the exclusion of the Territory from the financial benefits and aids extended to the States as a whole, is unjust and inequitable, and inconsistent with the pledges and assurances of the United States, made through its executive officials during the negotiation of annexation, as above set forth in the statements of Secretary of State Marcy, Secretary of State Foster, and President McKinley; and also constitutes a failure to meet the trust to the good faith of the United States, expressed by President Dole, of Hawaii, upon the occasion of the transfer of the sovereignty of Hawaii to the United States.

SEC. 3. The Legislature of the Territory of Hawaii hereby expresses its sincere confidence in the good faith and intent of the Congress to do full justice to the Territory of Hawaii, and further expresses its earnest belief that the matters and things herein enumerated as inconsistent with the rights of the Territory of Hawaii grow out of inadvertence or misunderstanding, and will be speedily remedied when the Congress is fully informed of the facts.

SEC. 4. To the end, therefore, that removal of all misunderstanding in the premises may be speedily accomplished, and such action taken by the Congress and the Federal Executive as may meet and remedy the conditions herein recited, the governor is hereby authorized and empowered to appoint a commission of three persons, one of whom shall be designated as chairman, and to fill vacancies therein if any occur, to prepare such brief and further evidence and argument as may be necessary or proper, and to proceed to Washington, D. C., and, in association with the Delegate to Congress from Hawaii, present and urge the claims of the Territory of Hawaii above set forth with a

view to securing from Congress and the Executive, recognition in appropriate form, of the claims of Hawaii above set forth; more particularly to secure such legislation from Congress by amendment to existing law or by new legislation as may include Hawaii in all acts in aid of good roads, education, farm loans, maternity, home economics, training in agriculture, trade and industry, and other acts of a like nature which apply to the States as a whole, so that such acts may apply to and include Hawaii in the same manner and upon the same basis as they do to the several States.

SEC. 5. This act shall take effect upon its approval.

As a consequence of that resolution the Federal Congress passed H. R. 4121 in the Sixty-eighth Congress, which belatedly gave to Hawaii some participation in the future in connection with Federal aid that had heretofore been denied.

Even now, after the fight appears to have been won, Hawaii is wholly misunderstood by large masses of our people. That in itself may not be wondered at, but that the Members of Congress and the executive departments here in Washington should continue to exhibit such misunderstanding in the matter of our status is of more serious concern to us.

That we are an integral part of the United States was decided by the United States Supreme Court's decision in 1903, Hawaii *v.* Mankichi (190 U. S. Sup. Ct. Rept. 197).

Besides, section 5 of the organic act passed by the Federal Congress "to provide a government for the Territory of Hawaii" (31 Stat. L. 141), reads:

That the Constitution, and, except as otherwise provided, all the laws of the United States, including laws carrying general appropriations, which are not locally inapplicable, shall have the same force and effect within the said Territory as elsewhere in the United States.

Yet in every Congress bills of such a general nature are introduced providing for the States but failing to provide for the organized Territories. In the past, and not further back than 1925, a bill of the kind but actually using the words "and Territories" was interpreted by one of the executive departments as not applying to the Territory of Hawaii, but it was held that the words "and Territories" were intended to mean "Territories contiguous to the continental United States." The unsoundness of such an opinion can be understood when it is realized that in 1925 there were no Territories contiguous to the continental United States, and Congress surely could not have intended to use the words to no meaning. On the other hand, the author of the bill just referred to has in writing assured the speaker that it was his intention by the words used to cover the Territory of Hawaii.

Further, in the departments the same failure to understand our position is evidenced by reports and releases to the press where the Territories are quite frequently left out of consideration or else incorrectly classified. The most glaring of such a case was that of the recent United States census of agriculture, where Hawaii was completely left out. More recently the Department of Commerce, in a report on "Foreign investments by American banks," so classed investments in Hawaii. The error evidently arose from a confusion of the terms "Territories and possessions," not recognizing the application of the term "Territory" under our form of government only to "organized Territories." That such was the case is evident from the fact that one of the headings in the report refers to "Territorial possessions." Such confusion, except for the fact that financial institutions themselves correctly understood the situation, would be very embarrassing to us and make it difficult to float our bonds.

The great difference between Territories and possessions may be in a few words characterized as follows: The Territories of the United States, whilst enjoying the benefits of being a part of the United States, also have to bear the burdens and responsibilities consequent upon being an integral part of the United States, hence our people and our corporations are subject to the Federal income tax which is paid into the Federal Treasury and such internal revenue and customs duties that are collected also inure to the Federal Treasury. Whereas the possessions of the United States carry no such responsibilities whilst freely enjoying the benefits accruing by reason of being under the flag. Possessions do not pay Federal income tax and the customs duties collected go into the island treasuries. For instance, to illustrate, the Philippine Islands, whilst producing sugar in competition with American-grown sugar on the mainland and in Hawaii, do not have to pay the corporation tax that to the extent of 13½ per cent bears down heavily on our domestic corporations. That it is a heavy burden is shown by the fact that the Territory of Hawaii in the last year contributed under such tax to the Federal Treasury more than 13 States of this Union.

Because of this confusion as between Territories and possessions we have still another phase of the situation which circumscribes our freedom of action. I refer now to the fact of the limitations upon our local self-government. By the organic act Congress provided, in section 55, as follows:

LEGISLATIVE POWER

SEC. 55. That the legislative power of the Territory shall extend to all rightful subjects of legislation not inconsistent with the Constitution and laws of the United States locally applicable. The legislature, at its first regular session after the census enumeration shall be ascertained, and from time to time thereafter, shall reapportion the membership in the senate and house of representatives among the senatorial and representative districts on the basis of the population in each of said districts who are citizens of the Territory; but the legislature shall not grant to any corporation, association, or individual any special or exclusive privilege, immunity, or franchise without the approval of Congress; nor shall it grant private charters, but it may by general act permit persons to associate themselves together as bodies corporate for manufacturing, agricultural, and other industrial pursuits, and for conducting the business of insurance, saving banks, banks of discount and deposit (but not of issue), loan, trust, and guaranty associations, for the establishment and conduct of cemeteries, and for the construction and operation of railroads, wagon roads, vessels, and irrigating ditches, and the colonization and improvement of lands in connection therewith, or for colleges, seminaries, churches, libraries, or any other benevolent, charitable, or scientific association: *Provided*, That no corporation, domestic or foreign, shall acquire and hold real estate in Hawaii in excess of 1,000 acres; and all real estate acquired or held by such corporation or association contrary hereto shall be forfeited and escheat to the United States, but existing vested rights in real estate shall not be impaired. No divorce shall be granted by the legislature, nor shall any divorce be granted by the courts of the Territory unless the applicant therefor shall have resided in the Territory for two years next preceding the application, but this provision shall not affect any action pending when this act takes effect; nor shall any lottery or sale of lottery tickets be allowed; nor shall spiritous or intoxicating liquors be sold except under such regulations and restrictions as the Territorial legislature shall provide; nor shall any public money be appropriated for the support or benefit of any sectarian, denominational, or private school, or any school not under the exclusive control of the Government; nor shall the Government of the Territory of Hawaii, or any political or municipal corporation or subdivision of the Territory, make any subscription to the capital stock of any incorporated company, or in any manner lend its credit for the use thereof; nor shall any debt be authorized to be contracted by or on behalf of the Territory, or any political or municipal corporation or subdivision thereof, except to pay the interest upon the existing indebtedness, to suppress insurrection, or to provide for the common defense, except that in addition to any indebtedness created for such purposes the legislature may authorize loans by the Territory, or any such subdivision thereof, for the erection of penal, charitable, and educational institutions, and for public buildings, wharves, roads, and harbor and other public improvements, but the total of such indebtedness incurred in any one year by the Territory or any subdivision shall not exceed 1 per cent upon the assessed value of taxable property of the Territory or subdivision thereof, as the case may be, as shown by the last general assessment for taxation, and the total indebtedness for the Territory shall not at any time be extended beyond 7 per cent of such assessed value, and the total indebtedness of any subdivision shall not at any time be extended beyond 3 per cent of such assessed value, but nothing in this provision shall prevent the refunding of any existing indebtedness at any time; nor shall any such loan be made upon the credit of the public domain or any part thereof, nor shall any bond or other instrument of any such indebtedness be issued unless made redeemable in not more than 5 years and payable in not more than 15 years from the date of the issue thereof; nor shall any such bond of indebtedness be incurred until approved by the President of the United States.

In the exercise of the above functions the legislature has provided the usual laws common to most of the States and has provided an orderly, stable, modern, and wholly American administration. The Territory has under American auspices developed to a high degree, and at present compares with many States. Our population is greater than that of three States and our payment into the Federal Treasury is in excess of that made by each of 13 individual States. During the time of our greatest prosperity we paid in one year more than each of 21 States.

Yet to this American community the Federal Congress has seen fit to address a special chapter in the Criminal Code containing 13 sections governing matters that ordinarily are left to the control of the sovereign States. To be sure the chapter is applicable not only to Territories but also to the District of Columbia, or within or upon any place within the exclusive

jurisdiction of the United States; the questions treated are such as—

Circulating obscene letters, polygamy, unlawful cohabitation, adultery, incest, fornication, recording certificates of marriage, prize fights, and bull fights, train robberies, and discrimination by proprietors of theaters against persons wearing uniform of Army, Navy, etc.

It is possible that because of the inclusion of the District of Columbia in the chapter and places within the exclusive jurisdiction of the United States, for which there are no legislative bodies other than Congress, that these matters were found necessary. But since by the provision in the organic act creating the Territories of the United States, legislative bodies are created which can and have taken care of such matters, the part of wise statesmanship and development of the American theory of self-government would seem to point to the elimination from the application of this chapter to the Territory of Hawaii for which I speak. In this respect at least the possessions of the United States have undoubtedly greater freedom than we who contribute to the fiscal support of this Government.

I would urge the early repeal of the whole of the above chapter of laws, being chapter 13, title 18, of the United States Code. I have, upon request of the legislature of the Territory, attempted to get a modification of one of the above statutes so as to permit of boxing in the Territory, but so far it has only passed the House. Surely a community of three hundred and thirty thousand-odd people can be trusted to enact proper laws on that subject; and if the possessions of the United States may have such a portion of self-government, it is most difficult for us to defend the attitude which will deny us that same measure of freedom. In conclusion, sir, may I not bring to the attention of the Congress and of the people at large that Hawaii is proud of its status under the Union and is not seeking either independence or autonomy. Hawaii, since its union with our great Nation, has prospered to a wonderful degree. Some who are more careless of their statements than of their desires for continuing under the flag have referred to the native Hawaiians and by inference wish to make it appear that the native Hawaiians have suffered exploitations by reason of annexation. The Federal Government has at all times done everything that was within its power to protect the native Hawaiians, and only in this session of Congress passed a law for the further development of the scheme to rehabilitate the native Hawaiians. The damage that was done was unwittingly the result of legislation when the Hawaiian himself was still in full control of political power.

We are a Territory, just like every other State of the Union was one before becoming a State, except the original thirteen Colonies. We are passing through our apprenticeship and look hopefully to the time when we may prove to the country that we are wholly and thoroughly American, stable and dependable, in order that we may be granted the only autonomy that we desire, statehood on equality with the other States of the Union.

ADJOURNMENT OVER UNTIL MONDAY

Mr. TILSON. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. on Monday next.

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

Mr. McDUFFIE. Reserving the right to object, is it the intention of the gentleman to call the Private Calendar again?

Mr. TILSON. If we adjourn on Tuesday, it is my intention that we shall sit until a late hour on Monday afternoon and perhaps have an evening session.

Mr. GARNER of Texas. I have heard a number of gentlemen say that they want the Consent Calendar considered to-night. Is there anything objectionable in having an evening session to-night? There are a number of bills on the calendar that we would like to get to the Senate for consideration. Why can not the gentleman have a night session from 8 until 10.30 for bills on the Consent Calendar?

Mr. TILSON. A number of Members interested in bills on the Consent Calendar have said to me they did not wish to go on to-night. We were here last night until 11 o'clock. Unless the adjournment resolution passes the Senate there is no need of our holding night sessions, especially on a Saturday night. If we should adjourn finally on Tuesday, Monday will be a long day, and there is no use in starting any new business that will be contested.

Mr. GARNER of Texas. If you had new business to-night and have over Sunday and Monday, you could get the bills engrossed and up to the White House and signed by the President if not objectionable to him. I think you could accomplish a great deal if you had a night session to-night.

Mr. HASTINGS. Would it not be advisable to have the Consent Calendar on Monday?

Mr. TILSON. That is what I hope to do on Monday and Monday night.

Mr. HASTINGS. And on Tuesday call the remaining bills on the Private Calendar?

Mr. TILSON. Yes. It will not take very long to finish the bills on the Private Calendar. I hope to complete both calendars before we adjourn.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. MOORE of Virginia. Is the gentleman going to adhere to the practice in considering the Private Calendar of allowing one Member to block consideration of a bill instead of putting it on an equality with the Calendar for Unanimous Consent requiring three objections? It seems to me it is almost a shame that the Private Calendar should be so considered in the House that one man can hold up the passage of meritorious measures. There is no way of bringing those bills up except by unanimous consent.

Mr. TILSON. The gentleman must realize that the consideration of private bills under the rules of the House, going into Committee of the Whole on each bill would take at least six months to complete the calendar.

Mr. MOORE of Virginia. The gentleman misunderstands me.

Mr. TILSON. Mr. Speaker, for the present I withdraw my request.

MARBLE BUST OF MARTIN B. MADDEN

Mr. BYRNS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the House resolution which I send to the desk.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

House Resolution 226

Resolved, That the sum of $2,500 is authorized to be paid from the contingent fund of the House for the procurement of a marble bust of Martin B. Madden, late a Representative from Illinois. The expenditure of the sum herein authorized shall be made under the direction of the Committee on the Library.

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

The resolution was unanimously agreed to.

Mr. CELLER. Mr. Speaker, I ask unanimous consent to address the House for a minute on this resolution with reference to a sculptor.

The SPEAKER pro tempore. Is there objection?

Mr. DYER. Reserving the right to object—and I shall not object—I shall object to any more unanimous-consent requests until the two special orders have been carried out.

The SPEAKER pro tempore. Is there objection?

There was no objection.

MOSES DYKAR

Mr. CELLER. Mr. Speaker and gentlemen of the House, I rise to call the attention of the House to the fact that the resolution just passed is very praiseworthy, and that I hope when the names of sculptors are considered by the Committee on the Library that that committee will take into consideration the ability and artistry of Moses Dykar, a sculptor who has a very fine collection of sculpture in the National Museum, and who has recently completed a bust of President Coolidge, which was presented by his classmates to Amherst College. Mr. Dykar is now at work on the head of Mrs. Longworth and he has finished the bust of Speaker Longworth. The head of the late Vice President Marshall in the Senate is his. He did the busts of Samuel Gompers, James Graham Bell, inventor of the telephone, former Speaker Champ Clark, Mrs. Warren G. Harding, and many others. His work is very distinctive in character and has received wide acclaim. He would make an excellent likeness of the late Mr. Madden.

Mr. LaGUARDIA. Is Mr. Dykar an Amercian citizen?

Mr. CELLER. I believe he is, although I am not certain in that regard. He is thoroughly American in his ideals and work and has made a deep imprint on Amercan sculpture.

HOUR OF MEETING MONDAY

Mr. TILSON. Mr. Speaker, I have been requested to renew my request that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. on Monday.

The SPEAKER pro tempore. The gentleman from Connecticut asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. on Monday next. Is there objection?

There was no objection.

Mr. FULBRIGHT. Mr. Speaker, will the gentleman yield to me for a question?

Mr. TILSON. Certainly.

Mr. FULBRIGHT. I understood the gentleman from Connecticut to say a moment ago that there would be no new legislation initiated at this session.

Mr. TILSON. I did not mean that. I meant no long-drawn out legislation that may be contested.

Mr. GARNER of Texas. Controversial legislation?

Mr. TILSON. Yes; I mean no controversial legislation.

Mr. FULBRIGHT. Then I understand from the majority leader that there will be no attempt to pass any farm-relief legislation at this session?

Mr. TILSON. That is a rather large order for this stage of the session.

Mr. DYER. Mr. Speaker, I demand the regular order.

GORGAS MEMORIAL LABORATORY

Mr. OLIVER of Alabama. Mr. Speaker, some time ago I made speeches in the House on the subject of civil aviation and also on the Gorgas Memorial. At that time I obtained permission to extend my remarks in the RECORD upon those subjects. Fearful that my rights in the matter have lapsed, I renew the request.

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

There was no objection.

Mr. OLIVER of Alabama. Mr. Speaker, I can not omit to here express the appreciation and the great and justifiable pride of the people of my State for the further honors which this Congress now seeks to pay the memory of that immortal American, Gen. William Crawford Gorgas, born at Mobile, Ala., and who always claimed his political domicile in my district, at Tuscaloosa, Ala., where a loved sister now lives in the beautiful old Gorgas home, rendering high service to the youth of our country as librarian of the University of Alabama, a position which her greatly beloved and sainted mother held for more than a third of a century next preceding her death.

It is peculiarly fitting that our country should generously cooperate with Central and South America in establishing and maintaining at Panama a memorial of international import to this great American, for certainly no man ever served humanity in a wider, more beneficent, more lasting way than did General Gorgas. This is why he was loved and honored, not alone at home but by the nations of the earth, and though he has passed away from us forever, the fruits of his labor still live and will continue to serve mankind through this memorial laboratory. Standing as it will at the crossroads of the nations, it will ever serve to remind the world that this great American above all brought to the practice of his profession in all its relations the loftiest standards of professional duty and honor. The purity of his life, the nobility and dignity of his character, his scorn of everything sordid, base, or mean, the kindness of his heart, and the grace and charm of his manner, added to the wealth and abundance of his intellectual accomplishments, made him the finest type and model of what a great physician can and should be. As such, the world will not forget, but will ever cherish, his memory, and the generous aspirations of future generations will find in his life and fame a perpetual incentive to noble endeavor.

In conclusion I wish to refer to a memorial service held in the city of Washington on January 16, 1921, under the auspices of the Southern Society, and participated in by high representatives from many nations, in which he was adjudged "Forerunner of canal builders, preserver of life, and pioneer in preventive medicine." (See proceedings of meeting in pamphlet form in Congressional Library.)

At this service tributes were paid to General Gorgas by distinguished officials from many countries, presaging the universal fame which he is accorded to-day. It would seem to be peculiarly appropriate to spread on the records of Congress a single beautiful flower from this bouquet of world-wide praise. Its appropriateness is evidenced by the fact that it was delivered by the ambassador of France, which great country at one time was faced with the problem which later was so successfully solved by General Gorgas. With a gracious gesture toward the one who accomplished where another of merit failed, as a beautiful tribute from a representative of one great nation to the internationally honored son of another great nation, I will here read and append the address of Hon. J. J. Jusserand, ambassador of France:

Madam, ladies, and gentlemen, I consider it a high privilege to bring the homage of France to a great memory. France, whose contribution to medical science goes back to the very Middle Ages, has ever known how to appreciate merit in this line, not only that of her own sons, but that also of the sons of other countries. Our admiration for Gorgas was profound, and I bring here the expression of it. Men of note, who perform during their lives great tasks, are of two sorts: Those who, in the span of their existence, have wanted to serve their country and also themselves, and those who have desired to serve nothing but their country and mankind. Those of the first category usually draw more attention in their lifetime; they have, to be sure, like the others, much merit, but their merit is better advertised. The others have only merit without advertising. When death overtakes both sorts, then it infallibly happens that the fame of the first dwindles and that of the other increases. Of the latter category was among us French Pasteur, and among you Americans Gorgas.

He had throughout life no thought but to serve. The intensity of his desire to help and the magnitude of his work left him no time for personal consideration. That work was of immense import. The discoveries which made it possible began with a son of France, Laveran, and his studies on paludism in 1880 and with those of Finlay in Cuba on yellow fever, in 1881. It seemed an impossible battle to wage, that fight against the innumerable, ever-increasing, omnipresent, intangible enemy—the mosquito. How could one get rid of an inaccessible pest? That means was found by Gorgas. Where there had been pestilence, after he came there was health and prosperity. Where so many Frenchmen died in their effort to dig the Panama Canal, Americans lived in health and security after Gorgas had established his wise regulations. His firm and gentle hand acted as if endowed with a magical power, the magic of good will, kindness, warm-heartedness.

When his public task was finished, his life's task was not, for his duties were not dictated to him by any power above him, but from a power within himself, his ever-increasing conscience. He told me so when I saw him in that city of Panama, which he had caused to be what it now is—the beautiful, radiant capital of the recently born Republic. One of the worst plague spots remaining in the world was Guayaquil, and I remember an entertainment given when we were on the Isthmus, in which took part the handsome young officers of an American destroyer. The ship was ordered the next day to Guayaquil, and we heard three days later that the commander and several of his men were dead of yellow fever. Gorgas has been there since, and provided his regulations are well observed, no one will anymore die of yellow fever in those parts.

He died in full activity, tended by the one who was throughout his life his devoted companion and mainstay, and when he closed his eyes on the world, of which he had been such a useful citizen, he could, with a serene heart, say the nunc dimittis servum tuum; and think, my day is passed, but to the best of my ability it has been well filled.

[Applause.]

ORDER OF BUSINESS

Mr. LUCE. Mr. Speaker, I have four matters from the Committee on the Library, and have consulted with the Speaker about calling them up at this time.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent to call up four matters from the Committee on the Library at this time. Is there objection?

Mr. DYER. Mr. Speaker, for the present, I object.

BRIDGE BILLS

Mr. DENISON. Mr. Speaker, I call up the following Senate bills now on the Speaker's table, and move that they be definitely postponed, similar House bills having been already passed:

S. 2343. An act extending the time for the construction of a bridge across the Mississippi River, in Ramsey and Hennepin Counties, Minn., by the Chicago, Milwaukee & St. Paul Railway;

S. 2496. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Cumberland River, on the Dover-Clarksville Road, in Stewart County, Tenn.; and

S. 768. An act to authorize the Alabama Great Southern Railroad Co. to rebuild and reconstruct and to maintain and operate the existing railroad bridge across the Tombigbee River at Epes, in the State of Alabama.

The SPEAKER pro tempore. Without objection, it will be so ordered.

There was no objection.

BATTLE FIELDS OF KINGS MOUNTAIN AND COWPENS

Mr. STEVENSON. Mr. Speaker, I ask unanimous consent to have the monograph prepared by the War College on the two battle fields of Kings Mountain and Cowpens, a very valuable historical monograph, not long, printed as a House document.

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

There was no objection.

COMMERCE BETWEEN THE UNITED STATES AND THE PHILIPPINES

The SPEAKER pro tempore. Under the special order, the Chair recognizes the Commissioner from the Philippines, Mr. GUEVARA.

Mr. GUEVARA. Mr. Speaker and gentlemen of the House, a very important question was placed before the consideration of this House by the gentleman from Colorado [Mr. TIMBERLAKE] in his well-thought-out speech, delivered on March 21, 1928, on the exportation of Philippine sugar to the United States duty free. The gentleman from Colorado suggested the necessity of limiting the export of Philippine sugar to the United States to 500,000 tons for three reasons: To protect the sugar-beet industry from competition of Philippine sugar; to work out in the Philippine Islands the theory of diversified agriculture; and to permit the Filipino people to develop their own oriental sugar market.

Each of the grounds invoked by the gentleman from Colorado [Mr. TIMBERLAKE] merits much consideration, but I will discuss them briefly in view of the limited time that has been so graciously granted me.

I shall begin by recognizing that the first duty of the Congress of the United States is to protect its home industry. In the case of the Philippine Islands this duty appears to be somewhat extreme and doubtful and invited an analysis of the political relationship between the two countries.

There is no necessity of discussing now the reasons why the Philippine Islands are under the American flag. The fact, the plain fact, is that our country is under the American flag, and this Government exercises over it an unrestricted sovereignty. It is necessary at the outset to clarify the meaning of "home industry" or "home affairs." The suggestion was made by the gentleman from Colorado [Mr. TIMBERLAKE] that because the Philippine Islands have not yet acquired the status of a State they can not enjoy economic equality with the United States. Heretical as this is as a political and moral proposition, it nevertheless may become a reality, and it should therefore cause alarm to all peoples living under the American flag and in Territories not enjoying statehood.

This is a new proof of the anomalous political situation in which the Philippine Islands have been placed. Not only do the inhabitants therein enjoy limited political rights but, according to the proposition advanced by the gentleman from Colorado [Mr. TIMBERLAKE], they are also supposed to have limited economic right. The Filipinos have always understood and they have always been led to believe that all those living under the American flag have the right to the pursuit of happiness, prosperity, and life. To accomplish this end it was proclaimed by the United States that equal protection before the law is one of the fundamental rights to be enjoyed by all peoples living within its jurisdiction. Any discrimination against this doctrine is certainly un-American. Besides, it would be contrary to the well-known American principle that "a country can not be foreign for one purpose and domestic for another."

Setting aside this political consideration, let us examine the plan suggested by the gentleman from Colorado [Mr. TIMBERLAKE] in the light of principles which should govern the free trade relations between the United States and the Philippines. May I say that real reciprocity should be its essence. The Philippine Islands do not claim any privilege in its economic relations with the United States, but to my mind it is its natural right to desire for real reciprocity. It is only just and fair that such reciprocity should prevail as long as the Philippine Islands have not definitely severed their political relationship with the United States. Otherwise, adoption of the Timberlake proposition would be tantamount to the oppression of the weaker by the stronger. I will not hesitate to assert now that this is not and could not be the policy of the United States toward the Philippines or anywhere else.

Let us consider for a moment the terms of the free trade now existing between the United States and the Philippine Islands. According to its terms the United States is free to export to the Philippines all her products and goods without exception or limitation. On the other hand, the Philippine Islands are not as free as the United States to export to this country all her products and goods. Rice and all manufactured goods in the Philippines in which a certain percentage of foreign raw materials are used are not admitted duty free in the United States. This House will readily see that this condition is not encouraging to the progress of industry in the Philippine Islands. The Philippines are not producing all the raw materials needed in their present and future industries, and therefore they are compelled to import from foreign countries those raw materials which are not available in the United States or in the Philippine Islands.

It is a well-recognized fact that raw materials in the United States are more expensive than those of the same kind in Japan and China. Conditions of labor and the standard of living make the production of raw materials in the United States more expensive than those of the same kind in such places as Japan or China or Europe. Besides, transportation from the United States to the Philippine Islands is more expensive than from Japan and China, due to distance and freight rates. In discussing this aspect of the question it is far from my purpose to criticize or to make any complaint, for I well understand that the sovereign power must take necessary measures to prevent that any portion of any territory under its flag might be used by foreign countries as the medium through which they may wage competition. It is but fair and right to prevent such competition. The Filipino people are willing to support this protective policy of the United States.

I will now come to the point raised by the gentleman from Colorado [Mr. TIMBERLAKE] that the proposed limitation of the Philippine sugar is based upon the idea that it will protect the American sugar-beet industry in continental United States. On the contrary, it will undoubtedly cause the rise of the price of this commodity, to the prejudice of the consumers. This assertion can be demonstrated by statistical analysis of the domestic sugar grown in continental United States. The estimated production of sugar in continental United States in 1927 is as follows:

	Tons
Beet	780,362
Cane	38,597
Miscellaneous	12,417
Total	831,376

The entire market demand of sugar in the United States is 5,297,049 tons. From these statistics it is obvious that the domestic sugar grown in continental United States meets but 15 53 per cent of the demand of the American market and the total sugar grown under the American flag, including the Philippines, Hawaii, Porto Rico, and Virgin Islands, meets but 44.91 per cent of the demand of the American market. Therefore 55.22 per cent of the demand of the American market comes from foreign sources or sugar grown in foreign nations. The limitation suggested by the gentleman from Colorado [Mr. TIMBERLAKE] will benefit the producers in foreign countries.

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

Mr. GUEVARA. Yes.

Mr. KNUTSON. Do the figures which the gentleman is giving include Hawaii?

Mr. GUEVARA. Hawaii, Porto Rico, the Virgin Islands, and the Philippine Islands.

Mr. KNUTSON. And what are those figures?

Mr. GUEVARA. Forty-four and a fraction per cent of the American sugar market is provided by the States and the Philippine Islands, Hawaii, Porto Rico, and the Virgin Islands and 55 per cent and a fraction of the American sugar demand is supplied from foreign countries.

Mr. KNUTSON. What percentage of our sugar do we import from Cuba?

Mr. GUEVARA. I have not the figures but it is over 50 per cent.

Mr. WOODRUFF. About 50 per cent.

Mr. KNUTSON. Has the gentleman any figures on the difference in the cost of production in Cuba and the Philippines?

Mr. GUEVARA. I have.

Mr. HOUSTON of Hawaii. Mr. Speaker, will the gentleman yield?

Mr. GUEVARA. Yes.

Mr. HOUSTON of Hawaii. It is understood, of course, that in Hawaii the sugar growers pay the Federal income tax.

Mr. GUEVARA. Yes.

Mr. HOUSTON of Hawaii. The corporation tax, which we have just passed on to-day, whereas in the Philippines, in Porto Rico, and in the Virgin Islands they do not pay such a tax.

Mr. GUEVARA. No; they do not. Furthermore, may I say that if the plan proposed by the gentleman from Colorado is converted into law the sugar consumers in the United States, who constitute 100 per cent of the entire population, will be compelled to pay an extravagant price for the sugar that they will consume. The price of sugar in the United States during the war may be cited. It will be unfair on my part to convey the impression to this House that if the importation of Philippine sugar is limited to 500,000 tons its price in the United States will be as high as that which prevailed during the war. But it is undeniably true that it will be higher than it is now. As soon as foreign sugar magnates are assured that the Philippine Islands can not export more than 500,000 tons to the United States the commercial genius of foreign sugar producers

will see to it that they get more profit than they are getting now in return for the quasi monopoly purported to be given them by the gentleman from Colorado [Mr. TIMBERLAKE].

I deeply regret that in the discussion of this question I have to touch a purely domestic American problem. I say purely domestic American problem because some measures enacted by the Congress of the United States and the plan sponsored by the gentleman from Colorado, as well as that presented by the gentleman from California [Mr. WELCH], classify the Filipino people as complete foreigners, or people without country and without flag.

May I again emphasize my recognition of the duty of the Congress of the United States to protect its home industry. If the arguments I have just set forth are not convincing, then I shall say that the United States can not in justice retain the Philippine Islands under its sovereignty and at the same time refuse the admission to its markets of its commercial and industrial products. The best way to protect the sugar-beet industry of the United States from competition with Philippine sugar is to fulfill the pledge of this Nation to grant the Philippine Islands their independence. We will heartily indorse and support a solution of this kind, for it will protect the sugar-beet industry of the United States and will satisfy the sacred aspirations of the Filipino people. This is the only just solution thus far that can be suggested. As years go by it will be found that the economic interests of the United States and the Philippine Islands are entirely conflicting. This relationship can not be prolonged without prejudice to either party. The United States has vast interests to protect, and certainly she will not and must not sacrifice them for the sake of the Philippine Islands. The Filipino people recognize this fact. On the other hand, the Filipino people can not by any means approve the retention of their country by the United States on a basis of unfairness, injustice, and inequality. If the Filipino people are going to live under the American flag, they should be accorded equal treatment. Otherwise they rightfully feel that they are oppressed.

I would be unfair and unjust to myself did I not admit that Philippine sugar may compete with the sugar-beet industry in the next 20 or 30 years if the present political relationship between the two countries is continued. Not only the sugar of the Philippines but also the vegetable oil, tobacco, and lumber. Before such a situation that the two countries may have to face in the future, how can it be solved without prejudice to either? The American people by its history and tradition can not afford to treat the Filipinos in an oppressive way, denying them the right they should enjoy under the American flag. On the other hand, the primary duty of the United States is to protect its own citizens. In this conflicting situation I do not see any solution but the severance of the present political relationship existing between the two countries.

The United States has done enough for us in laying the foundation upon which to build an independent Philippines. America's humanitarian and remarkable leadership in our country during the last 30 years will never be forgotten by the Filipino people, and once independent they will have a glorious opportunity to show to the world their gratitude to America. I will not hesitate to assert that their coasts and seas, their mountains and lakes, even their lives and fortunes, will be at the disposal of this Nation in moments of need. Why, then, prolong the present situation which is not advantageous to either party? The interest of the United States in the Far East could be better served and safeguarded with an independent Philippines.

The continuation of American sovereignty in the Philippine Islands is beginning to be misconstrued and misunderstood. This is entirely human. The nations of the world are prompt to condemn and distort any policy when such a policy does not originate from them. American statesmanship should consider this question very seriously. The political situation of the Philippine Islands ought to be solved in a definite way. All the arguments advanced against Philippine independence can be used against any country enjoying an independent life. This is the reason why I invoke American statesmanship in order that with broad vision it may find a solution for the Philippine problem, and will protect America's interests as well as those of the Philippines.

The SPEAKER pro tempore. The time of the Commissioner from the Philippines has expired.

Mr. DYER. Mr. Speaker, I ask unanimous consent that the Commissioner from the Philippines may have permission to extend his remarks in the RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. GILBERT. Mr. Speaker, does the gentleman want any more time?

Mr. GUEVARA. I would like very much to have four or five minutes.

Mr. GILBERT. The gentleman represents 12,000,000 people here, and I think he should be granted more time.

Mr. WELCH of California. Mr. Speaker, I shall be very glad to yield the gentleman five minutes of my time. [Applause.]

The SPEAKER pro tempore. The Commissioner from the Philippines is recognized for five additional minutes.

Mr. GUEVARA. Now to the plan suggested by the gentleman from Colorado [Mr. TIMBERLAKE], to apply to the Philippines the theory of diversified agriculture. It is worthy of praise as a general proposition. However, considering its economic aspect in the present political situation of the Philippine Islands, I will say that it is uneconomic and unsound. Market is the essential element for industry and agriculture. It is the foundation of commerce. For the present the only available market for Philippine products is the United States, due to its present political situation and the free trade relations between the two countries. The American market needs tropical products, such as sugar, coconut oil, tobacco, lumber, and hemp, which are the major products of the Philippine Islands.

The application of diversified agriculture in the Philippine Islands will necessarily call for the development of cotton, fruits, and other foodstuffs. Is there anyone in this House who can tell me that the United States will be a good market for products, say, grapefruit, grapes, strawberries, apples, oranges, pineapples, and so forth? The distance between the United States and the Philippines, the climate prevailing almost through the year between the latter and the international line, is an unavoidable obstacle for the exportation of these products from the Philippines to the United States. The Philippine Islands produce enough of those products to meet the demand of its local market. Exportation of these products to China, Japan, Java, Siam, or to European markets is absolutely unthinkable. They produce enough to meet the demand of their own markets, and the Philippine Islands is handicapped with the elements of transportation and climate. Therefore, it is folly for them to greatly develop the production of these staples for exportation. Besides, it is necessary to consider that the Philippine Islands is at present without authority to negotiate commercial treaties with other nations. For any nation this authority is very essential for the building of foreign markets for its products. Consequently, the theory of diversified agriculture and of the Philippine Islands having to build its own oriental market is but a dream as an economic proposition under its present status.

Before concluding, may I solemnly say that the Filipino people welcome the approval of the Welch bill barring Filipinos from entering the United States. They are a source of competition to American labor, and it is a well-known fact that they do not have all the opportunity for progress in this country. On the other hand, the Philippine Islands possess vast natural resources and enough tillable and uncultivated soil demanding the touch of the human hand. The Filipinos are better off in their own country than anywhere else, and I sincerely believe it to be my patriotic duty to discourage the desire for emigration by the Filipinos. Were it not for the racial aspect upon which the Welch bill seems to be founded, I would be the first one to support it. But let America fulfill its solemn pledge and return to the Filipino people their own country, and let them work out their own salvation and destiny and I will enlist myself with the supporters of the bill of the gentleman from California.

I say this without any ill feeling, and without any thought of conveying the impression that the Filipino people will forget what the United States has done for them during the last 30 years. Their gratitude, born from the spiritual deeds of the American people, can not be jeopardized by individual schemes of any American citizen. The many things that America has done for my people are eternal. They will remain with us as long as God above is just. I thank you. [Applause.]

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

ADDRESS OF HON. CHARLES L. ABERNETHY

Mr. HILL of Alabama. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by placing therein the address the gentleman from North Carolina [Mr. ABERNETHY] delivered last evening over the radio.

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

There was no objection.

Mr. HILL of Alabama. Mr. Speaker, under leave granted me to extend my remarks I place in the RECORD the able and interesting address of the distinguished gentleman from North Carolina, Hon. CHARLES L. ABERNETHY, delivered over the radio from Station WTFF last evening, May 25, 1928:

The first session of the Seventieth Congress will soon come to a close. It will be of interest to the public generally, and particularly to my friends in North Carolina, to recount to them a brief résumé of what this Congress has done. Up to this time there have not been many bills of a major nature that have become laws. This situation is due, in my judgment, to the fact that this is a presidential year, and the majority party in power do not seem to care to put many bills of a major nature upon the statute books. The outstanding measures that have become laws are the flood control bill, which was approved by the President on May 15, 1928; the public buildings act, approved February 24, 1928; the American merchant marine act, which has just been signed by the President; and certain veterans' legislation. These, outside of the general appropriation bills which have been passed, are the substantial major bills that have become laws. An amendment to the radio act, approved March 28, 1928, has also become a law.

The tax reduction bill, which passed the House carrying a reduction of approximately $285,000,000, was reduced in the Senate to $205,000,000, and is now in conference between the two bodies, and the conference committee has reported an agreement of a compromise of a reduction of $222,495,000. This bill will become a law at this session of Congress.

The Democratic position on the tax bill has been that there should be the largest possible reduction, so the measure as passed by the House is a Democratic idea.

The administration's idea has been to hold the reduction to around $200,000,000. The Democratic position has been that all war-time emergency taxes, in so far as possible, should be stricken from the statute books, and that these so-called nuisance taxes should be repealed.

The farm-relief measure known as the McNary-Haugen bill has just been vetoed by the President. I spoke to a radio audience from station WTFF on January 25, and I made the following statement:

"For one who has consistently supported the McNary-Haugen bill, I desire to appeal to those who each Congress put this legislation to the forefront to call into conference not only the western Members of Congress but also those Members who come from that great agricultural section—the South. Let us come together this session of Congress and so frame this legislation as to enable the southern Members of Congress and the western Members of Congress to join forces and organize and to pass substantial farm-relief legislation through Congress, and to have enough votes to override the veto of the President in the event of his disapproval. The situation of the farmer is too critical for us to play politics with measures designed for his relief. What is needed is legislation, and this we can not secure at this session of Congress unless we iron out the differences and come together on the substantial principles of the McNary-Haugen proposal, regardless of how it may effect the fortunes of certain statesmen ambitious to become President.

"Those who represent the great farm organizations of the country must realize that the plight of the farmer at this time makes it imperative that those of us who are consistently trying to give relief to him need more votes in Congress than we had at the last session of Congress; and to secure these votes there must be unity among farm leaders and the real friends of the farmer in and out of Congress, and that there must be free, open, and full cooperation and organization to secure genuine farm relief this year. So let us counsel together for the common good."

I do not profess to be a prophet, nor the son of a prophet, but we find ourselves in the position I prophesied. The Senate failed to override the veto of the President, and farm relief is dead for this session of Congress.

It is to be very much regretted that the Republican leadership in both branches of Congress did not get together and settle their differences so as to pass some remedial legislation for the farmers that could have become a law.

The radio legislation which has been enacted into law at this session of Congress was not of a political nature, and the radio situation, as a result of this law, has been greatly improved. Being a member of the Committee on the Merchant Marine and Fisheries, which had to do with this legislation, our committee took the position that the original radio act contemplated that radio broadcasting power should be equally distributed throughout the various sections of the country, and on March 28 there was passed an amendment to section (9) of the radio act, as follows:

"It is hereby declared that the people of all the zones established by section 2 of this act are entitled to equality of radio-broadcasting service, both of transmission and of reception, and in order to provide said equality the licensing authority shall as nearly as possible make and maintain an equal allocation of broadcasting licenses, of bands of frequency or wave lengths, of periods of time for operation, and of station power to each of said zones when and in so far as there are applications therefor; and shall make a fair and equitable allocation of licenses, wave lengths, time for operation, and station power to each of the States, the District of Columbia, the Territories, and possessions of the United States within each zone, according to population. The licensing authority shall carry into effect the equality of broadcasting service hereinbefore directed whenever necessary by changing periods of time for operation and by increasing or decreasing station power when applications are made for licenses or renewals of licenses: *Provided*, That if and when there is a lack of applications from any zone for the proportionate share of licenses, wave lengths, time of operation, or station power to which such zone is entitled, the licensing authority may issue licenses for the balance of the proportion not applied for from any zone to applicants from other zones for a temporary period of 90 days each, and shall specifically designate that said apportionment is only for said temporary period. Allocations shall be charged to the State, District, Territory, or possession wherein the studio of the station is located and not where the transmitter is located."

As a result of this legislation, radio broadcasting will be distributed equally all over the country. The southern section of the country has been greatly benefited by this legislation. The broadcasting stations in North Carolina have been given increased power as a result thereof, and the Radio Commission, I am sure, are impressed with the idea that Congress intended what it said originally—that the control of the air was not to be centralized in a few of the big centers of the country.

In my judgment, the most constructive legislation that has been enacted into law at this session of Congress is the merchant marine act.

When the war broke out it became the policy and purpose of our Nation to build an adequate merchant marine, and as a result of this policy and purpose the Jones Act of 1920 was enacted into law and our Government became engaged in the construction of the greatest fleet of ships of any nation in the world.

After the armistice was signed, for various reasons, the policy and purpose of the Government has been very sadly neglected. Many of the ships built were tied up, many of them were sold, and others were dismantled. There has been stagnation in shipping throughout the country.

The Senate at this session of Congress passed a bill providing that the policy and primary purpose of the merchant marine act as declared in that act of 1920 was thereby confirmed, and provided further that the United States Shipping Board should not sell any vessel or line of vessels except when in its judgment the building up and maintenance of an adequate merchant marine can be best served thereby, and then only upon the affirmative and unanimous vote of the Shipping Board.

The Senate bill also provided that the Shipping Board could recondition and improve vessels owned by the United States, and in its possession, or under its control, so as to equip them adequately for competition in the foreign trade of the United States, and leaving largely the question of the building of a merchant marine to the discretion of the Shipping Board.

When the bill came to the House and was referred to the Committee on Merchant Marine and Fisheries, of which I have the honor to be a member, it was the unanimous view of our committee that the Senate enactment was not broad enough, and as a result of extended hearings we reported to the House, and the House passed an act in substance as follows:

Confirming the policy and primary purpose of the merchant marine act of 1920:

Providing that the Shipping Board shall not sell any vessel or any line of vessels except when in its judgment the building up and maintenance of an adequate merchant marine can be best served thereby, and then only upon the affirmative vote of five members of the board duly recorded.

We also provided that the Shipping Board could remodel and improve vessels owned by the United States and in its possession and under its control so as to equip them adequately for competition in the foreign trade of the United States.

The act further provides that any vessel so remodeled or improved shall be documented under the laws of the United States and shall remain documented under such laws for not less than five years from the date of the completion of the remodeling or improving and so long as there remains due the United States any money or interest on account of such vessel, and during such period it shall be operated only on voyages which are not exclusively coastwise. New ships built under the loan fund must remain documented as American vessels for the life of the loan.

We also provided in the House bill for the replacement of vessels owned by the United States and in its possession or under the control of the board and the construction for the board of additional up-to-date cargo, combination cargo and passenger, and passenger ships, to give the United States an adequate merchant marine; and the board was authorized and directed to present to Congress from time to time recommendations setting forth what new vessels are required for permanent operation under the United States flag in foreign trade, and the estimated cost thereof, to the end that Congress may from time to time make provision for replacements and additions. All vessels built for the board shall be built in the United States, and they shall be planned with reference to their possible usefulness as auxiliaries to the naval and military services of the United States.

The House bill also provides for a construction loan fund of $250,000,000. It also provided that loans can be made to private concerns to build ships upon as much as 20 years' time and at a rate of interest, if operated exclusively in coastwise trade, of 5¼ per cent per annum, or if operated in foreign trade the rate shall be the lowest rate of yield (to the nearest one-eighth of 1 per cent) of any Government obligation outstanding at the time of the loan, and that no loan shall be for a greater sum than three-fourths the cost of the vessels to be constructed or than three-fourths the cost of the reconditioning, remodeling, improving, or equipping hereinbefore authorized for a vessel already built, and that the board shall require such security as it shall deem necessary to secure the completion of the construction, reconditioning, remodeling, improving, or equipping of the vessel within a reasonable length of time, and the repayment of the loan with interest.

The House bill also provided for liberal ocean mail contracts to be given to American ships by the Postmaster General.

The act also provided for an insurance fund to be set up by the Shipping Board for the purpose of insuring vessels belonging to the United States, or the equitable interest of the United States, constructed or under process of construction, or upon the interest of the United States in any vessel in which the Government has loaned money, or in any vessel which is obligated by contract with the owner to perform any service in behalf of the United States, to the extent of the Government's interest therein.

The bill also provided that during war time any of the vessels in which the Government has any interest can be requisitioned under certain conditions.

One of the most important sections of the bill was the reaffirmation of the policy and primary purpose as declared in section 7 of the merchant marine act of 1920; and it further provided that in the allocation and operation of ships that the Shipping Board should distribute them, in so far as possible, and without detriment to the service to the various ports of the country.

This bill as passed by the House was accepted by the Senate with a few modifications, and the bill has been signed by the President and is now a law.

It is my confident prediction that the passage of this act will do much to open up the ports of this country and particularly the neglected ports of the South. Under this law I confidently expect to see the ports of North Carolina opened and great ship lines running into and out of these ports to aid in the development of our wonderful State.

Many other minor bills have been passed at this session of Congress and have been signed by the President, but I do not have the time to go into these in this address.

On May 23, 1928, the President affixed his signature to H. R. 12821, 'A bill 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," which authorizes an appropriation of $15,000,000 for the construction of additional hospital and out-patient dispensary facilities for the United States Veterans' Bureau. This is the only legislation that has finally been approved by Congress and signed by the President at this session of Congress. There are, however, now pending before the Committee on Finance of the Senate two bills, both of which have been approved in the House of Representatives, as follows:

"A bill to amend the World War adjusted compensation act," which proposes to extend the time for filing applications for the benefits of the World War adjusted compensation act two years longer. The amendatory legislation now pending will extend the time for filing until January 1, 1930.

H. R. 13039. "A bill to amend the World War veterans' act, 1924," contains many important provisions which I will not go into at this time.

The House and Senate yesterday overrode the President's veto of the emergency officers' retirement bill, and the officers to be benefited by this legislation were taken from civil life and fought in the first-line trenches during the World War, and this legislation provides for their retirement when 30 per cent disabled, the same as the retirement of officers in the Regular Army. The President, in the name of economy, vetoed this bill after it had passed both the Senate and House overwhelmingly, and it was a great victory yesterday when the friends of these disabled emergency officers were able to pass the bill over his veto.

Another bill which has passed both Houses of Congress, coming from the Committee on the Merchant Marine and Fisheries, provides for a five-year construction and maintenance program for the United States Bureau of Fisheries.

This bill is a very comprehensive one for the whole country, and takes care of many experimental, fish cultural, and other stations to be maintained and operated by the Government in various sections of the country. It provides for a fish-cultural station in eastern North Carolina to cost $35,000, and also an experimental bass and trout station in the Pisgah National Forest or the Great Smoky Mountains National Park, North Carolina, upon the acquisition of said park by the United States, this station to cost $35,000.

The bill also means much to the State of North Carolina and the country for its commercial fisheries, providing adequate maintenance, costs, and personnel for the division of fish culture, Bureau of Fisheries, authorizing an appropriation for the year 1928 of $100,000; for the year 1929, $200,000; for 1930, an appropriation of $300,000; for the year 1931, $400,000; and for 1932, $500,000.

The bill also makes provisions which are of particular importance to North Carolina, as follows: "To meet the demand for fundamental knowledge regarding our great commercial fisheries and for developing the natural cultivation of oysters, mussels, and other mollusca, and the improvement of pond, cultural, and other operations of the division of inquiry, Bureau of Fisheries, respecting food fishes. There is authorized for the year 1928, $50,000; for 1929, $100,000; 1930, $150,000; 1931, $200,000; 1932, $250,000."

Another provision which is of particular importance to the people of North Carolina and the country is the item which provides for proper husbandry of our fisheries, improvements in the methods of capture, merchandising, and distribution of our fishery harvest, including saving and utilization of waste products and other operations of the Bureau of Fisheries. There is authorized for this work for the year 1928, $35,000; for 1929, $70,000; for 1930, $105,000; for 1931, $140,000; for 1932, $175,000.

North Carolina has received very favorable consideration in its Federal building program, provisions having been made for the construction of a new Federal building at Asheville, approximately $1,000,000 having been appropriated for this purpose; an appropriation of approximately $1,000,000 being made for the construction of a new building at Greensboro; the enlargement of the one at Salisbury, the appropriation approximately $25,000; one at Wilson, about $250,000; Goldsboro, $40,000; and $210,000 for New Bern for the enlargement of the present building.

Fort Bragg has received a very liberal appropriation, $262,000 having been allocated for construction work for the fiscal year 1929.

I was able to secure an appropriation for the study of the eradication of the salt-marsh mosquito.

I was also able to have passed by both branches of Congress with the aid of Senator OVERMAN in the Senate the authorization of $2,500 for the erection of a monument in commemoration of William Rufus King at his birthplace in Clinton, N. C. William Rufus King was Vice President of the United States under the Pierce administration, and was a man of great parts.

I was successful also in getting the continuation of the appropriation for the maintenance and care of the Moores Creek Battle Ground National Park.

Congress also has appropriated money to take care of Guilford Court House National Military Park.

An appropriation of $65,000 has been secured for the survey of the Great Smoky Mountains National Park.

Probably North Carolina has been favored more in the liberal appropriations for river and harbor work (waterway improvements) than in any other manner. Allocations for this year for this work are itemized as follows:

Norfolk to Beaufort Inlet (inland waterway), $537,000.
Scuppernong River, N. C., $3,000.
Beaufort Harbor, N. C., $14,000.
Beaufort Inlet, N. C., $26,000.
Cape Fear River below Wilmington, $184,000.
Pamlico and Tar Rivers, $25,600.
Neuse River, $51,800.
Trent River, $4,200.
Waterway between Core Sound and Beaufort Harbor, $6,000.

The estimated cost of the intracoastal waterway from Beaufort to the Cape Fear River is $5,800,000, $800,000 of which amount will be available this year.

Cape Fear River above Wilmington, $9,600.
Shallotte River, $12,000.
Waccamaw River, $2,000.

Appropriations allocated for surveys of the various rivers looking to the development of power, flood control, and navigation are itemized as follows:

Santee River, which is in North and South Carolina, $3,000.
Yadkin River, $3,000.
Cape Fear River, $7,000.
Tar River, $1,000.
Neuse River, $4,500.
Meherrin River, $1,300.
Roanoke River (Virginia and North Carolina), $6,200.

North Carolina has been able to carry on very effectively in Congress by virtue of the fact that the Members of the delegation in both branches have worked in harmony.

Another matter passed at this session is the claim of the State of North Carolina against the Government amounting to $118,$35.16. This amount is due the State by the Government on account of cotton

seized during the Civil War, and on account of certain amounts of money advanced by the State during the War of 1812. The Federal Government had certain claims against the State, but when the Comptroller General of the United States was requested to set up the account between North Carolina and the Federal Government, he found that while the State of North Carolina owed money to the Federal Government that the Government also owed the State, the difference being $118,035.69 due the State.

North Carolina is taking its place along with other great States of the Union, and I can say to the people of my State that it is our purpose here in Washington to carry on, not only for the good of our State but for the common good of the whole country.

Mr. ABERNETHY. Mr. Speaker, since the delivery of the above speech the following has happened:

The bill providing for the five-year construction and maintenance program for the United States Bureau of Fisheries was not signed by the President. It will no doubt become a law in December session.

Extra veterans' legislation has been passed in substance as follows:

The President has approved an amendment to the World War veterans' act, as amended, which liberalizes in many respects the present provisions thereof.

The first section of the act provides a Federal statute of limitations on suits brought under policies of insurance issued by the Government fixing the time allowed as six years after the right accrues, with an additional year from the date of passage of the act for all suits. In computing the limitation period it is provided the time from the date of filing claim for insurance benefits to the date of disallowance of the claim by the director shall not be included. The amended section is made applicable to suits which have been heretofore reviewed under State statutes of limitation, pending suits as well as future suits.

The second section of the act provides authority in the bureau for payment of expenses of original appointments of guardians, curators, and conservators of incompetent beneficiaries. At the present time the law provides for the payment of such expenses incident to such investigation or court proceeding for the removal of a guardian, curator, or conservator who has not properly executed the duties of his trust, and the appointment of a new guardian, curator, or conservator; but it is not within the power of the director to secure the appointment of such fiduciary in the first instance and pay the expenses of the proceeding.

The section of the statute which now permits waiver of recovery from any beneficiary who, without fault on his part, receives an erroneous payment from the bureau, to permit such waivers in favor of any person, irrespective of whether the person is a beneficiary within the legal meaning of the term.

The act provides for the payment of an allowance of $107 for burial expenses where the director, in his discretion and with due regard to the circumstances of each case, may decide that such sum should be allowed, thus repealing the present language permitting the payment of burial expenses only in cases where the veteran dies indigent, unless he is receiving compensation or hospital treatment from the bureau.

Another important provision of this act authorizes the director to make contracts for the burial of veterans without advertisement for bids, and to accept the most advantageous bid even though it is not the lowest bid submitted.

A new and very liberal feature of the legislation is a provision under which compensation shall be paid to children after the age of 18 years and until completion of education or training where they are pursuing courses of instruction at schools or colleges. This allowance is to be continued until the children reach the age of 21 years or terminate their attendance at school.

The provision which now requires apportionment of compensation wherever the veteran is for any reason separated from his wife and child is amended to make the apportionment discretionary in the director rather than mandatory, as at the present time. The object is to permit the director to inquire into the reasons for the separation and to make apportionments only in those cases where the facts warrant.

A very important feature of this legislation is the extension of the present provisions in the statute limiting the time for filing claim and proof thereof. The time limits have been extended to April 6, 1930.

Widows and children of veterans who are now being paid compensation by virtue of an accrued right under the war risk insurance act, as amended, which was repealed by the World War veterans' act of June 7, 1924, are placed on a parity with widows and children of veterans who are receiving compensation under the World War veterans' act.

The amendments to the insurance provisions of the statute are very interesting and may be summarized as follows:

First. The removal of the restriction on the designation of beneficiaries for converted insurance. There will be no longer any restriction as to the class of persons who may be designated beneficiary of converted insurance, the veteran being entitled to designate or change the beneficiary in the same manner as is followed under commercial insurance policies. This will permit the naming of a trustee to take the proceeds of Government insurance.

Second. Provision is also made for the exchange of one policy for another at a lower rate of premium provided the insured is in good health, the five-year-level premium term insurance policy excepted.

Third. A very important feature of this legislation is the provision regarding the availability of uncollected compensation which may be used to revive insurance. This provision authorizes the use of compensation uncollected because of the failure to file claim within the time limit prescribed in the war risk insurance act, as amended, and the World War veterans' act, as amended, for the purpose of reviving insurance. This overrules a decision of the Comptroller General to the effect that such compensation is not available for the purpose of reviving insurance.

Fourth. A provision for direct application for converted insurance by any person who served in the military or naval service in the course of the World War, provided he is now in good health and submits evidence to that effect. Under the war risk insurance act and the World War veterans' act, applications for insurance must be made within 120 days after entrance into the military service. This amendment will permit any person who was in the military service during the World War to apply directly for United States Government life (converted) insurance irrespective of whether or not he ever has made application.

Fifth. Provision for including in the United States Government life (converted) insurance policy a provision whereby an insured who is totally disabled for a period of 12 consecutive months shall be paid disability benefits under the contract as though he were permanently and totally disabled, provided application is made by the insured for such benefits any time during the life of the contract upon proof of good health satisfactory to the director and upon payment of monthly premium necessary to cover the risk involved.

REVIEW OF CONGRESSIONAL SERVICE, SEVENTIETH CONGRESS, FIRST SESSION

Mr. HASTINGS. Mr. Speaker, I ask unanimous consent to extend my remarks on my own record in the present Congress.

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

There was no objection.

Mr. HASTINGS. Mr. Speaker, the gavel falls and the curtain goes down upon this session of Congress on the 29th day of May, 1928, when Congress, by resolution adopted, will adjourn.

Much legislation of great importance, locally and nationally, has been considered and enacted. It is a great responsibility to represent the people of one of the splendid districts of Oklahoma and I greatly appreciate the privilege.

I regard a public office as a public trust. I desire, briefly, to enumerate some of my efforts and submit the same to the people of my district for their approval.

To properly represent my district attention must of necessity be given to the consideration of much local legislation and to many departmental matters not required of Members of Congress of some of the other States. The State is new, necessitating much attention being given to rural mail matters, road legislation, and legislation affecting agriculture. We have 33 Indian tribes in Oklahoma and about one-third of the Indians of the United States live in Oklahoma.

I have given special consideration to many matters peculiarly affecting Oklahoma, and through speeches, correspondence, and the press I am sure the people of my district are familiar with the efforts I have made in their behalf and the attention I have given to correspondence, to departmental work, to local legislation, as well as the larger questions affecting the people of the Nation as a whole.

Our State is rich in natural resources and with its citizenship drawn from every State in the Union. I have done everything possible during my service in Congress to encourage and further its development.

THE THREE MAJOR QUESTIONS

While a great deal of legislation has been enacted, the three major questions that engaged the attention of Congress during the present session were as follows:

1. Farm legislation.
2. Flood control.
3. Reduction of taxes.

AGRICULTURE—EFFORTS AT FARM LEGISLATION

Farming is the basic industry of the country. There are 6,500,000 farms, upon which approximately one-third of the entire population of the Nation live. All are dependent upon their prosperity. We have 197,000 farms in my State of Oklahoma. Every person in whatever business he may be engaged is dependent upon the prosperity of the farmer.

Farmers through the years following the World War, and more particularly those in the South and the Middle West, are in a depressed condition and should be favored with helpful and sympathetic legislation. They have lost $30,000,000,000 during the past five years in exchange values of their farm products and in the shrinkage of farm-land values. This was more than we spent in the World War. The purchasing power of the farmer's dollar in exchange value has declined to 60.3 cents. Mortgages have been foreclosed and farms sold for taxes in large numbers.

In my district in Oklahoma, in 1927, cotton was practically all destroyed by the boll weevil. The farmers pay excessive freight rates, and being a consuming class pay excessive tolls to the eastern manufacturers, because of discriminating tariff legislation.

I come into intimate touch with the farmers, and believe that from personal knowledge I know their problems. I was born and reared on a farm. I own farm land. Farming is the principal industry of my constituents. While not a member of the Committee on Agriculture, I have kept in close touch with the bill affecting agriculture, while it was pending before that committee, and joined in every effort to secure beneficial legislation for the farmers during the present session. I made an extended speech, in which I invited attention to the problems of the farmers and urged the enactment of remedial farm legislation. I called attention to the fact that the farmers needed financial assistance. They should have lower freight rates. The tariff should be reduced on necessities, so that they will not be compelled to pay such high prices for everything they buy. In my judgment the farmers are urgently in need of assistance in the control and marketing of their surplus farm products, so that they will not be compelled to dump them upon a depressed market and thereby reduce local prices to a ruinously low level.

Additional appropriations for Federal warehouses should be made and cooperative associations should be encouraged.

The efforts that I have made, through speeches on the floor, in behalf of farm legislation must be well known throughout my district.

I supported all items in the agricultural appropriation bill, and other bills, to assist either in the extermination or control of pests of various kinds, including items aggregating $5,777,800 for the extermination of the pink bollworm and $280,000 on account of insects affecting cotton, of which $10,000 is to be spent for demonstration work in Oklahoma.

I supported increased appropriations for farm bulletins, through which farmers are assisted by helpful suggestions of experts on how to produce, care for, and market their products, and advised in combating all diseases of both plant and animal life.

I supported the bill for the utilization of the plant at Muscle Shoals. Our Government during and before the war spent large sums of money on this plant, and it should be used in such a way as to compel the manufacture of the maximum quantity of fertilizer for distribution to the farmers at a low cost to aid in increasing production.

Unfortunately, because of the opposition of the Fertilizer Trust, the full use of this plant could not be secured for the manufacture of fertilizer, but it has been enlarged and experimental work authorized which, I am sure, will result in legislation at an early date directing its full use in time of peace for the manufacture of fertilizer.

The Washington Post in its leading editorial May 26, 1928, the morning after the Senate voted to sustain the President's veto of farm legislation, admitted that it would enable the producers to secure more for their farm products by saying:

> The farm-relief issue—the bill designed to rob the consumers of the United States for the benefit of the producers—has died the death.

This is the crux of the opposition to this legislation.

Four Senators who previously supported the legislation changed their votes, otherwise the Senate would have voted to override the President's veto, the final vote being 50 for and 31 against. The vote upon the passage of the bill in the House was 204 for and 117 against.

FARMERS SHOULD MARCH TO THE POLLS

Dispatches from the Middle West advise of meetings being held by farmers protesting against the presidential veto of farm legislation and of preparations being made to march upon the Kansas City convention to demand both a sympathetic nominee and a favorable platform declaration. Their enthusiasm should be maintained and not be diverted by side questions and they should march to the polls in November and vote as straight for their own best interests as the ex-service men shot during the World War.

FLOOD CONTROL

No question is of greater interest to the entire Nation nor to the State of Oklahoma than flood control.

Congress enacted comprehensive flood-control legislation during the present session and provided not only for flood control on the lower reaches of the Mississippi River but for surveys of all of the tributaries, including the Arkansas River and its tributaries.

The Arkansas River flows through the eastern part of Oklahoma and its tributaries—Illinois, Grand, Verdigris, Cimarron, Canadian, Deep Fork, and others—drain practically every county in Oklahoma.

We are vitally interested in the prevention of disastrous floods overflowing the land and rendering valueless great areas of land and at the same time destroying property of great value. The property loss from the 1927 flood, in Oklahoma, including damage to roads, bridges, crops, personal property, farm lands, and so forth, is estimated at from twenty-five to forty million dollars.

The bill passed by the present Congress authorizes the use of $5,000,000 in making a survey of the tributaries of the Mississippi, including the Arkansas and its tributaries, and directs that reports be made with the view of ascertaining the best method of flood control. We have urged the reservoir plan of flood control, which, if adopted, would result in the retention of waters in reservoirs. By impounding the water in reservoirs at strategic points it would be gradually released for water power, irrigation, and navigation purposes. This would check the ravages of disastrous floods, save millions of dollars in property from destruction and make certain the cultivation of large areas of productive land.

The survey of the Arkansas and its tributaries is soon to be begun and our hope is that reports to be made will justify a sufficient expenditure upon this river as to restore navigation and reduce freight rates, through competitive water rates, and thereby invite the location of factories and greatly add to the prosperity and population of the Arkansas Valley and the contiguous territory.

TAX-REDUCTION LEGISLATION

The first subject to engage the attention of Congress in December, 1927, was that of tax reduction. I voted for this bill. The revenues collected and the payment of interest and part of the principal due on our foreign debts were in excess of our expenditures and a reduction is justified. The money absolutely necessary to maintain the Government with rigid economy should be collected from the people, taking into consideration their wealth and their ability to pay. With this in view I favor a graduated income tax, in the first place granting liberal exemptions to the man of small wealth and beginning with a lower tax upon the man of moderate income and exacting a greater percentage from the larger incomes.

Two years ago I voted for the tax reduction bill and made a speech upon it outlining my views on the principles of taxation. I voted to increase exemptions in income-tax returns from $1,000 to $1,500 upon single persons and from $2,500 to $3,500 for heads of families and to repeal most of the excise or so-called nuisance and stamp taxes.

I supported an amendment to graduate the tax on incomes in excess of $100,000. If the theory of a graduated income tax is sound, there can be no good reason why incomes in excess of $100,000 should not contribute a larger share to the support of the Government.

The principal changes in the new tax reduction bill passed by Congress during the present session were a reduction from 13½ per cent to 12 per cent on corporation taxes, repeal of the automobile tax, and exemption of taxes on theater admissions to $3. There were also many administrative changes.

ECONOMY IN PUBLIC EXPENDITURES

Rigid economy in all public expenditures, local, State, and Federal, is one of the most important subjects before the people. A large part of our taxes are local. Comparatively few people pay any direct Federal taxes, but everyone pays a tariff tax. To reduce expenditures to a minimum is the surest way to reduce taxes. I have insistently voted against all unnecessary tax burdens. I have favored appropriations that yield returns, such as for agriculture, rural mail service, good roads, and like purposes, which I regard as investments, whereas I regard the excessive appropriations for the Army and Navy, and for like purposes, as nonproductive, and they should be closely scrutinized and reduced to the minimum.

The total expenditures of the Government during the first 15 months of Washington's administration amounted to $4,269,027. The expenditures for the coming fiscal year will aggregate $4,642,293,897.57.

We spend a thousand times as much now for the expenses of the Government in one year as during the administration of Washington.

The appropriations for the coming fiscal year for agriculture amount to $56,638,793.88, not including, of course, the $82,500,000 appropriated as Federal aid to roads, which will aggregate $139,138,793.88.

The appropriations for the coming fiscal year are as follows:

For the Interior Department	$272,656,039.00
Treasury and Post Office Departments	1,061,342,060.00
Navy Department	362,445,812.00
Agricultural Department	$139,138,793.88
First deficiency, 1928	200,936,668.02
War Department	398,517,221.50
Independent offices	527,593,111.00
State, Justice, Commerce, and Labor Departments	89,820,597.60
District of Columbia	37,625,208.00
Legislative establishment	17,746,893.26
Second deficiency, 1928	146,017,757.74

To this amount should be added $1,388,753,735.53 estimated amount of permanent and indefinite appropriations for interest on the public debt, sinking-fund requirements, and other miscellaneous permanent and fixed purposes for which annual appropriations are not required or necessary.

In addition to the direct appropriations, other expenditures have been authorized in large sums for which Congress is obligated to make future appropriations.

Contrary to the general impression gained through newspaper propaganda, intended to show that Congress is extravagant, the records show that Congress has reduced the estimates of the Bureau of the Budget on every appropriation bill, and since the Budget was created has reduced the amounts estimated or recommended for appropriation in the sum of approximately $360,000,000.

In my judgment economy does not consist in denying small increases for light and fuel to fourth-class postmasters, for appropriations to build roads where there are large areas of nontaxable Indian and public lands, and for assisting depressed farmers in the marketing of their products, and then remit $10,705,618,006.90 war debts to foreign Governments because of their alleged inability to pay.

FOREIGN DEBT SETTLEMENTS

We authorized, during the World War, loans to foreign Governments in large sums and pledged the people that these amounts should be collected in full.

I voted against all settlements with foreign Governments which canceled or remitted any part of them, principal or interest. I made an extended speech against the Italian debt settlement, which, calculated upon a 4¼ per cent interest basis, the amount we pay on our Liberty bonds, canceled $3,413,874,500, and I also made a speech against and vigorously protested the French debt settlement, not yet ratified by the French Government, which, based upon a 4¼ per cent interest basis, lost to us, or canceled, or remitted $4,527,225,895.83.

On the settlements with the 13 foreign governments, calculated upon a 4¼ per cent interest basis, according to figures prepared by the Treasury Department, we lost $10,705,618,006.90.

The following table shows (1) countries which have funded debts, (2) date of agreement, (3) amount of funded principal, (4) interest to be received, (5) total to be received including both principal and interest, (6) total that would be received if settlement had been on British basis (3–3½ per cent basis), (7) total that would be received calculated on a 4¼ per cent interest basis, (8) total canceled on 4¼ per cent interest basis, and (9) the bottom line shows (a) the aggregate amount we are to receive from all 13 countries with which settlements have been made, principal and interest, being the sum of $22,143,539,993.10, (b) the amount we should have received based on the British settlement (3–3½ per cent interest basis) being $27,819,134,000, (c) and on a 4¼ per cent interest basis, the amount of interest which our Government pays on its Liberty bonds sold to the people, the proceeds of which were loaned to the foreign governments, we should have received $32,849,158,000, (d) and that we therefore lose on a 4¼ per cent interest basis the sum of $10,705,618,006.90:

Countries	Date of agreement	Funded principal	Interest to be received	Total	Total that would be received on British basis (3–3½ per cent interest basis)	Total that would be received on 4¼ per cent interest basis	Total canceled on a 4¼ per cent interest basis
Belgium	Aug. 18, 1925	$417,780,000.00	$310,050,500.00	$727,830,500.00	$1,041,597,000.00	$1,191,052,000.00	$463,221,500.00
Czechoslovakia	Oct. 13, 1925	115,000,000.00	[1] 197,811,433.88	312,811,433.88	252,890,000.00	327,854,000.00	15,042,566.12
Estonia	Oct. 28, 1925	13,830,000.00	19,501,140.00	33,331,140.00	[1] 33,331,000.00	39,428,000.00	6,096,860.00
Finland	May 1, 1923	9,000,000.00	12,695,055.00	21,695,055.00	[1] 21,695,000.00	25,658,000.00	3,962,945.00
France	Apr. 29, 1926	4,025,000,000.00	2,822,674,104.17	6,847,674,104.17	9,708,825,000.00	11,474,900,000.00	4,627,225,895.83
Great Britain	June 19, 1923	4,600,000,000.00	6,505,965,000.00	11,105,965,000.00	[1] 11,105,965,000.00	13,114,172,000.00	2,008,207,000.00
Hungary	Apr. 25, 1924	1,939,000.00	2,754,240.00	4,693,240.00	[1] 4,693,000.00	5,538,000.00	834,760.00
Italy	Nov. 14, 1925	2,042,000,000.00	365,677,500.00	2,407,677,500.00	4,923,820,000.00	5,821,552,000.00	3,413,874,500.00
Latvia	Sept. 24, 1925	5,775,000.00	8,183,635.00	13,958,635.00	[1] 13,959,000.00	16,464,000.00	2,505,365.00
Lithuania	Sept. 22, 1924	6,030,000.00	8,501,940.00	14,531,940.00	[1] 14,532,000.00	17,191,000.00	2,659,060.00
Poland	Nov. 14, 1924	178,560,000.00	257,127,550.00	435,687,550.00	[1] 435,688,000.00	509,058,000.00	73,360,450.00
Rumania	Dec. 4, 1924	44,590,000.00	[1] 77,916,260.00	122,506,260.05	107,488,000.00	127,122,000.00	4,615,739.95
Yugoslavia	May 3, 1926	62,850,000.00	32,327,635.00	95,177,635.00	154,651,000.00	179,179,000.00	84,001,365.00
Total		11,522,354,000.00	10,621,185,993.10	22,143,539,993.10	27,819,134,000.00	32,849,158,000.00	10,705,618,006.90

[1] Settlement made on British basis.

SOLDIER LEGISLATION

I have always given sympathetic consideration to all legislation in the interest of the ex-service men. I favored an extension of time for the filing of disability claims, and supported the provision making it conclusive that the contracting of tuberculosis within six years was of service origin.

Congress enacted some additional legislation during the past session, making provision for hospitalization, extending the time for conversion of insurance, and extending the time for vocational training and liberalizing the law with reference to filing of claims for compensation. All of such legislation has been considered under suspension of the rules when it could not be amended nor could it be discussed in detail and we were compelled to vote for it without change.

I supported the bill which liberalized the law and gave increased pensions to Spanish-American War veterans. They had been discriminated against in all of the pension legislation. I voted for the increase of pensions for widows of Civil War veterans. I have endeavored, through correspondence, and by personal calls, to render every assistance and to secure expeditious action upon all claims of ex-service men of my district and many of them have been adjusted and compensation allowed. There are many inequalities in the law which should be corrected by legislation and Congress, if an opportunity is given to discuss and amend bills affecting ex-service men, not under suspension of the rules, but under the general rules of the House, where the same may be amended and discussed in detail, will correct all inequalities.

Legislation was enacted authorizing additional appropriations for hospital purposes and the time was extended for filing claims for compensation to April 6, 1930. Under this legislation insurance may be converted and lapsed insurance may be reinstated.

HOSPITAL AT MUSKOGEE

The United States Veterans' Bureau Hospital No. 90 at Muskogee was purchased from the State, and later the municipal hospital was purchased from the city of Muskogee. I actively assisted in securing appropriations for these purchases. This hospital is ideally located, is adequate and well equipped to care for the needs of the ex-service men and others eligible to admission from the area which it serves.

PUBLIC BUILDING AT OKMULGEE

I cooperated in securing a public building for Okmulgee. An appropriation is carried in the second deficiency bill to purchase a site and to begin its construction.

An amendment which I offered to a pending court bill approved February 16, 1925, secured to Okmulgee a place for holding Federal court.

In the division of the Federal court district in eastern Oklahoma we were successful in having an equal division of the busi-

ness and area made. With the recent addition of Okfuskee County to the Eastern Judicial District it now embraces 31 counties.

ROAD LEGISLATION

The enactment of the act of July 11, 1916, authorizing Federal cooperation in the building of roads has greatly added to the enthusiasm for building roads throughout the country. I made a speech in favor of it and have supported all subsequent appropriations for Federal aid to roads.

Oklahoma was admitted to statehood November 16, 1907. The eastern half was composed of lands formerly occupied by the Five Civilized Tribes of Indians. The land had only recently been surveyed and allotted to the Indians. The roads had not been improved, but since then we have had a revolution in road building.

I introduced the original bill, H. R. 4971, which provided that "the nontaxable Indian lands, individual and tribal," should be placed in the same class with the nontaxable unappropriated lands in the western States. This bill finally became section 4 of the act of February 12, 1925, which is as follows:

SEC. 4. That section 11 of the Federal highway act approved November 9, 1921, as amended and approved by the acts of June 19, 1922, and June 30, 1923, is further amended by inserting after each place where the words "unappropriated public lands" occur, the words "and nontaxable Indian lands, individual and tribal."

This provision is important to Oklahoma because it authorizes the Government to pay a larger proportionate share of the costs of road construction where more than 5 per cent of its lands are either public or nontaxable Indian lands. The appropriation to carry this provision into effect was vetoed by the President, although he favored and signed an appropriation bill carrying items aggregating $5,197,294 for the repair of the roads in Vermont, New Hampshire, and Kentucky. One was for the benefit of the East, the other for the West.

RURAL MAIL SERVICE

The farmers are rendered no more important service than by rural mail. This service was started in an experimental way in 1896. It has been extended to the most remote parts of the country and on May 1, 1928, there were 44,370 rural mail routes. I have communicated with the postmasters and rural carriers in my district offering assistance and cooperation in bettering the mail facilities of the district.

I voted for the bill to provide for a 10 per cent increase of compensation for night work by postal employees and also for the bill granting allowances for rent, fuel, light, and equipment for fourth-class postmasters. I voted for the bill to reduce postal rates.

As roads are improved and all the smaller streams bridged I hope to see rural routes gridiron the second district so as to afford complete mail facilities to every rural community.

The item in the Post Office Department appropriation bill for the coming fiscal year for the rural mail service amounts to $106,000,000.

When I first came to Congress it was $53,000,000. I voted for every increase and this service has been greatly extended and expanded.

In addition I have been active in helping to secure the installation of village delivery in the smaller cities of my district.

RURAL CREDITS

I was a member of the Banking and Currency Committee of the House in 1916 and assisted in the preparation and passage of the rural credits bill of July 17, 1916. This was a great piece of constructive legislation.

I prepared and introduced a bill during the present session, H. R. 6068, as an amendment to section 15 of the act of Congress of 1916 authorizing the appointment of local agents to represent farm-land banks in initiating and supervising loans to farmers in those localities where local associations have not been organized, or if organized, are not functioning properly.

This is a very important amendment. At the last session the members of the Farm Loan Board, in a written report, and in a hearing before the subcommittee of the Banking and Currency Committee approved it. It has been recommended by the presidents of all 12 of the farm-land banks. Its enactment would greatly expedite action upon applications for loans, popularize the law, enable loans to be made direct, through agents, having about the same authority as the secretary-treasurer of a local loan association now has, and about the same authority that an agent for a mortgage company has and will permit farmers to borrow money at 5 per cent interest payable upon the amortization plan, by adding 1 per cent interest applied to the reduction of the principal, which would pay the principal in 36 years. This would enable the farmers to liquidate their present indebtedness and greatly assist them in acquiring homes.

Under the 1916 law $1,463,918,114 has been loaned to the farmers of the country.

I made a speech emphasizing the importance of this amendment and again submitted it to the Banking and Currency Committee.

In my judgment, with the adoption of this amendment the law would be made more workable and would enable many more farmers to take advantage of its provisions and would greatly reduce the number of tenant farmers.

SURETY BONDS TO PROTECT INDIVIDUAL DEPOSITORS

I introduced and made a speech in favor of a bill (H. R. 11119) to require all banks, national and State, members of the Federal reserve system, to furnish bonds for the protection of their general depositors.

Three thousand nine hundred and forty-one banks failed in the past eight years, with a deposit liability of $1,185,503,104. Two-thirds of these failures, or 2,818, were in 12 agricultural States, due largely to depressed condition of the farmers.

If it is necessary or desirable to require banks to protect public deposits—Federal, State, school, Indian, and municipal—why should not protection be required for the individual depositor? You can not satisfactorily answer that question in the negative.

IMMIGRATION

During the consideration of the immigration bill four years ago I earnestly supported the bill and made a speech in favor of its enactment. The number of immigrants thereby admitted was reduced to 164,000. In 1907 about 1,285,349 immigrants were admitted. No person should be admitted who is not desirous or capable of becoming a patriotic American citizen, obedient to the laws of our country, and loyal to our flag.

During the last session I supported amendments designed to strengthen the immigration laws and expedite the deportation of those undesirable aliens guilty of violations of the law amounting to a felony. During the present session provision was made giving a preference of admission in the quota class of very near relatives of American citizens, including husband or wife and father and mother.

INDIAN LEGISLATION

Congress has enacted much legislation during the past few years affecting the Indians in Oklahoma, and I have supported all measures looking to the winding up of their affairs at an early date. No additional legislation is necessary, and it is now a question of administration. The Five Civilized Tribes had 101,506 allottees. A recent enumeration shows that of these 9,841 restricted allottees, either in whole or in part, are living.

A. APPROPRIATIONS FOR THE INDIAN SERVICE

The appropriations for the Indian Service are carried in the Interior Department appropriation bill. That for the superintendent for the Five Civilized Tribes is found in a lump-sum appropriation of $820,000. Approximately $2,129,272.58 is annually expended, in the aggregate, in Oklahoma from Federal and tribal funds for all purposes; for administration, schools and hospitals. Of this amount, $1,085,337 is for schools and hospitals. From the Choctaw and Chickasaw tribal funds for boarding schools $165,387, from the Seminole tribal funds $22,706, from the Federal Treasury for the Sequoyah Orphan Training School $105,000, for the Eufaula Indian School $39,500, for the Euchee (Creek) Indian School $35,900, for the Indian school at Chilocco $286,500, for the Seneca Indian School, central heating plant, $35,000, and maintenance $53,344, total $88,344, for the Haskell Institute $247,500—40 per cent of the attendance being from Oklahoma—$99,000, and $150,000 in aid of rural public schools, for Claremore Hospital $50,000, and for the Choctaw and Chickasaw Hospital at Talihina $43,000.

I have favored these appropriations and assisted in securing a larger annual appropriation of $300,000 for rural schools for a number of years. We hope to make such a showing as will justify a larger contribution out of the Federal Treasury in aid of public schools.

B. JURISDICTIONAL BILLS

During my service Congress has enacted legislation to permit each of the Five Civilized Tribes to bring suit in the Court of Claims, with the right of appeal by either party, on all claims that each tribe may have against the Government. I prepared and reported the jurisdictional bills for the Cherokees and Creeks and assisted in the enactment of the bills for the other tribes. These cases are now being filed and are in process of adjudication.

C. CHOCTAW AND CHICKASAW PER CAPITA PAYMENTS AUTHORIZED

I assisted in securing an amendment to the Indian appropriation bill, approved February 14, 1920, authorizing the Secretary of the Interior to make per capita payments to the Choctaw and Chickasaw Indians out of their tribal funds. No further legislation is necessary when funds are available for that purpose.

D. LEGISLATION TO QUIET TITLE TO INDIAN LANDS

Congress passed the act of April 12, 1926, commonly known as one to quiet title to Indian lands of the Five Civilized Tribes in Oklahoma, which bill I prepared and reported. It makes conclusive the jurisdiction of the county courts invoked by full-blood heirs of deceased allottees in the approval of conveyances and will prevent much litigation as to these lands.

After a period of two years it put in force the statutes of limitations in all matters where restricted Indians are interested. The law is now in full operation. It also provides for notice and makes the Government a party in all suits pending in the State courts where restricted Indians are parties and makes the final judgment binding upon the Government. It is of great importance to eastern Oklahoma, and will have the effect of quieting title, preventing vexatious lawsuits, result in greater devolpment of these lands and, as a consequence, add value to the lands of eastern Oklahoma.

CONSTITUTIONAL AMENDMENT

I introduced in the House House Joint Resolution 70 proposing an amendment to the Constitution of the United States empowering the President to veto separate items of any appropriation bill passed by Congress.

Many of the States have such amendments in their constitutions. I wrote the governors of all the States and, without exception, they commended this proposed amendment. I made a speech in the House in support of it.

The necessity for the submission of this amendment grows out of the abuse of either holding up consideration of appropriation bills in the Senate during the closing hours of Congress or of forcing the acceptance of riders of doubtful merit. This would disarm any Member of the Senate from filibustering in the closing days of a session because this amendment would give the President power to veto any separate item in a bill.

This amendment is in the interest of economy. No objections have been expressed to it in the House except the general reluctance to amend the Constitution.

RULES AMENDED

When I first came to Congress it was with great difficulty that consideration could be secured of purely local bills after they had been favorably reported by committees and placed upon the calendar. Oklahoma required much local legislation. I prepared, introduced, and assisted in having an amendment adopted to this rule, requiring three objections upon the second call of such bills upon the Consent Calendar. This has worked a revolution in the House. It is the most important rule adopted in years. It has resulted in the House being able to consider and act upon much local legislation. Everyone now approves the change in the rules. Prior to the adoption of this change in the rule, consideration of a purely local bill could not be obtained except by unanimous consent or by call of the committee which reported the bill on Calendar Wednesday, and many of these committees are not reached for Calendar Wednesday call during an entire session.

SPEECHES

It is almost a physical impossibility for a Member of Congress to keep up with all the bills introduced in Congress. He, of course, is expected to be familiar with those reported by the committees of which he is a member, and every Member attempts to familiarize himself with bills of general importance throughout the entire country and especially with those which affect his district and State.

I promised my constituents that I would do this, and I have tried to keep that pledge.

In addition to participating in general debate upon a large number of matters, I have made a study of and have made speeches in the House upon the following subjects:

1. Speech analyzing and discussing in detail farm problems, showing loss in exchange value of farm products, shrinkage in value of farm lands, and discussing and analyzing remedies.

2. Flood control: (a) Speech emphasizing the necessity for flood control; (b) urging legislation for the Arkansas River and its tributaries; (c) inviting attention to the reservoir plan; (d) advantages of navigation in lowering freight rates.

3. Tax-reduction legislation: (a) Views outlined on principles of taxation; (b) increased exemptions upon the small-income taxpayers, and advocating the collection of a larger percentage from those having the ability to pay.

4. Constitutional amendment: (a) Speech urging, in the interest of economy, constitutional amendment authorizing the President to veto separate items of appropriation bills; (b) citing letters from governors of many States indorsing the proposed amendment.

5. Post Office appropriation bill: Showing increase in appropriation for rural mail service and its importance emphasized.

6. Interior Department appropriation bill: (a) Items affecting the Indian Service and schools in Oklahoma analyzed; (b) expedition in winding up of affairs of Five Civilized Tribes urged.

7. Tariff legislation: (a) Showing it is of no benefit to the farmers; (b) showing Tariff Commission political football; (c) principles analyzed and discussed.

8. Civil service evaded and merit system disregarded through the Southern States, common in Oklahoma.

9. Speech in support of bill urging surety bonds to protect depositors.

10. Speech in support of amendment to rural credits bill, providing for appointment of local agents for farm land banks.

11. Speech in support of increases of pensions for Spanish-American War veterans, and bill to increase pensions of widows of soldiers of the Civil War.

12. Speech in support of Federal aid to roads: (a) Road building and financing in Oklahoma explained; (b) nontaxable Indian lands considered, and showing discrimination in appropriation for repair of roads in Vermont, New Hampshire, and Kentucky, which is not applied to all States.

13. Speech urging sympathetic legislation in behalf of ex-service men.

14. Many speeches and remarks on various bills and pending amendments.

DEPARTMENTAL WORK AND CORRESPONDENCE

We feel justified in inviting attention to our familiarity with departmental work and have made an effort to give diligent attention to all such matters. Our rule is to answer every letter and telegram the day it is received unless delay is occasioned in getting information from or action by the departments. There are many requests and inquiries with reference to the approval and assignment of oil and gas leases forwarded to the department here, the removal of restrictions on Indian lands, letters from ex-service men with reference to applications for compensation and hospitalization, applications for pensions and increases of pensions for soldiers of all wars, petitions for the establishment of rural mail routes and changes in existing routes, and letters, petitions, and telegrams with reference to innumerable bills pending in Congress, some favoring legislation and others protesting against it.

NUMBER OF BILLS INTRODUCED

In order that my constituents may know something of the number of bills pending in Congress with which a Member must keep in touch and with which he must familiarize himself, there were introduced in the Senate during this session 4,600 bills and in the House 14,143 bills. In addition to these bills a large number of resolutions were introduced. Of these 993 bills were enacted into law.

These bills and resolutions are referred to appropriate committees, and by the committees referred to the various departments affected for report. Later they are returned to the committees for consideration and report and a great many of them placed upon the calendars of the House. Each Member must make some examination and study of them and of the hearings and reports on the more important bills. Inquiries are made of us, however, on many bills which are introduced which have not been reported upon by the committees.

A large number of private pension bills were passed in omnibus bills, which would greatly increase the number of bills enacted into law during the present session.

COMMITTEE ASSIGNMENTS—APPROPRIATIONS

Since coming to Congress I have had the experience of service on the following committees of the House:

Banking and Currency; Indian Affairs; Accounts; chairman of Committee on Expenditures in the Interior Department; and Education.

I am now promoted to a place on the Committee on Appropriations, which prepares and recommends all of the appropriations for the Federal Government. Many regard this as the leading committee of Congress.

I was assigned as a member of the subcommittee to prepare and report the Interior Department appropriation bill, which carries all the appropriations for the activities of that department, including public lands, pensions, the Indian service, irrigation and reclamation, national parks, education, the geological survey, and other miscellaneous items expended under the supervision of the Interior Department.

CONCLUSION

(1) The individual record of each candidate should be studied, and (2) the right of franchise exercised by every eligible voter.

I invite attention to and make this record of some of my activities during the present session of Congress, peculiarly affecting the people of my district as well as the Nation as a whole, for two reasons: First, because the people who commissioned me to represent them are entitled to know what their Representative has accomplished and his position on all public questions; and second, in order to afford no opportunity for anyone to misstate my position on public questions.

I have worked in entire harmony with the other members of the Oklahoma delegation in both the House and the Senate and have had their hearty cooperation, assistance, and active support.

I submit this record to the people of my district for their information and consideration with the confident hope that it will meet with their approval.

Let me emphasize that every citizen of the Nation should carefully study the individual record of each Member of Congress in order to form a correct opinion as to his knowledge of conditions, his sympathy with the needs of the people, his ability, experience, and fitness to represent them and should not fail or hesitate to exercise the right of franchise both in the primary and general election. When every citizen—not 51 per cent of them—goes to the polls and votes for his best interests and that of his children, and not his prejudices, his views will be reflected in Congress.

RECORD IN CONGRESS

Mr. BOX. Mr. Speaker, I ask unanimous consent to extend my remarks concerning my own record.

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

There was no objection.

Mr. BOX. Mr. Speaker, the CONGRESSIONAL RECORD and the official journals which preceded it in the early days of the Republic have been published and distributed since the beginning of the Government in order to help the people know what their Representatives and Senators have been doing in Congress, but the number of copies of the RECORD printed at public expense is limited to about 60 for the people of each congressional district. The second district of Texas contains at least 400,000 people and about 75,000 voters. In order that more of them may read from the RECORD itself something of the part which I as their Representative have had in the work of Congress while serving them, I present a collection of portions of official statements and reports of House committees and the record of Congress dealing with important questions which have been before Congress:

EIGHTEENTH AMENDMENT AND PROHIBITION STATUTES

Wednesday, January 20, 1926

Mr. BOX. Mr. Chairman and gentlemen, last Saturday was, I believe, the sixth anniversary of the issuance of the certificate of the Secretary of State showing the adoption of the eighteenth amendment to the Constitution of the United States. As an individual Member of this House and one of its Committee on the Alcoholic Liquor Traffic, I am glad to join others in some reflections pertinent thereto.

The eighteenth amendment and the statutes based thereon officially declare the national will. The conflict of that purpose with the intent of those who are resisting and violating this part of the Constitution and laws presents a subject worthy of thoughtful discussion. The determination declared by these provisions was and is neither sudden nor transitory. I doubt if there is a statute in our code or a clause in our Nation's charter which was longer in the process of consideration and formation or more maturely and thoroughly fixed in the intent of the people. Few, if any, amendments were ratified by so nearly all of the States.

The will they express is especially democratic and American in spirit because it did not proceed from the Government down toward the people, but from the people up to the Government. Congress and the State legislatures did not force this on the people. The public will drove it through the State capitals and Washington. It began in the country townships, school districts, precincts, and counties, extended to the smaller towns and cities, and on upward through the larger centers of population. It covered State after State. This is a people's movement, not in any buncombe sense, but truly.

The present issue between the Constitution and law on one part and insubordination and lawlessness on the other was not created by prohibition. Constitutional and statutory prohibition developed as a defensive measure, adopted by American society for the purpose of protecting itself from violence to its welfare which was old and ever grew worse. The traffic in intoxicants and the promiscuous use of them have been a menace to individual and collective mankind since order and organization began to be established among men. The first serious disturbance after the adoption of our country's Constitution arose when the young Nation's great fiscal needs required that Congress levy a small tax on distilled liquors, whereupon the "whisky insurrection" burst out, and General Washington had to send an army to quell the sedition. Since then there have been hosts of moonshiners in the mountains, in the blackjack brush, and in the cities.

The saloon at the crossroads, in the country town, and in the metropolis has been the center where gamblers, criminals, and tough men and women of every sort gathered to find congenial surroundings, companions, and cooperation. All who hated and dreaded wholesome police law found a haven and stimulation there. Political corruption, miscellaneous crime, and their devotees gathered in and about them and went out upon the community, until the people, having, with restrained indignation endured much, determined that these depots and rendezvous of indecency, debauchery, and crime should no longer exist among them. No change in the name or form of the traffic would alter its malignant character or check its baleful work.

As our numbers and wealth increased, as our cities enlarged, as the complication and speed of our living were intensified, this lawlessness, always too strong in America, grew worse. This was augmented by the coming of many who had never learned, and therefore never loved, the orderly ways of the best American life. Therefore, under continued and increasing provocation and necessity, American public opinion fixed itself in substantial form, decreeing that the traffic's shameful course shall end.

The measure adopted is a valid one. The contention that the eighteenth amendment is unconstitutional never embodied anything but the absurd proposition that it is unconstitutional to amend the Constitution in a way provided by the Constitution and usually followed from the first in adopting amendments. But whatever excuse for haggling might have been hatched up at first, that same constitutional and nation-tried usage provided a forum for the settlement of all controversies. Whether flimsy or bona fide, they can be presented, heard, and settled for all who are willing to stop short of sedition or revolution. When the Supreme Court spoke, the question whether the national will thus sustained should be obeyed was no longer an open one among good Americans.

That stage being reached, what are the parties to this conflict of purpose to do? Let me ask another question: If the statute, the Constitution, and the adjudication of the Supreme Court are not to be obeyed or enforced, what next? Sedition is next, banditry, irregular warfare; a condition in which low-browed criminals with high-powered cars and rapid-fire guns and the unfortunate victims of appetite as patrons will disturb the peace and disgrace this period of our history; a condition such as they often have in Mexico and Haiti and other regions where disorder rules, where property and life are not safe, and where violence and chaos reign.

If violence breaks down the Constitution at one point, all its friends and all interests protected by it know that it can be broken at other points, and that each successive breaking will be easier. It will need only aggressive, persistent, numerous enemies. The collective public will, being once enervated and overcome, will not sustain it. It is our barrier against chaos. It restrains the enemies of property, the destroyers of life, the disturbers of society's peace. Think of our joining or acquiescing in the destruction of the mainstay of all our worthwhile institutions! Think of wealthy people outraging and weakening the sole defender of their property! Think of the poor tearing up the charter of their liberty! Think of native Americans demolishing the tallest and noblest monument of the patriotism and wisdom of their fathers! Think of newcomers wrecking the framework and the underpinning of the house which shelters them after their escape from the wretchedness of Europe!

We are at present in a state of conflict between the will of American society, expressed in its Constitution and law, and the purpose of those who, "with hearts regardless of social duties," are "fatally bent on mischief." The conflict is not new. This is merely the latest and most acute stage of an old and progressive antagonism between the legally declared will of American society and those who, for unworthy ends, resist their country's will as embodied in its Constitution and laws.

What of the future? Those who have resisted must obey or confess their sedition and expect to feel the country's heavy hand upon them.

What of the attitude of the great majority, whose will, expressed in a valid, constitutional, American way, is become the law of the land? That law will prevail if the land is to be ruled by law. The majority knows that all efforts at restraint have failed to control this spiteful, aggressive, defiant social evil. We know that to return to the long-tried and discarded efforts to regulate the traffic is impossible. We know that crime is in its very nature and can not be separated from it, and that the only way to avoid an unending, sickening conflict with this ugly social and political menace, so long as it lives, is to let its sway be undisturbed. A thing unthinkable. [Applause.]

There is no common ground on which these antagonistic purposes can be compromised. No repeal or modification of these statutes to meet the views of those who oppose their purpose—to accommodate the law to the views and interests of distillers, brewers, moonshiners, rum runners, bootleggers, and their patrons and defenders—will harmonize with the national purpose declared in the eighteenth amendment to the Constitution.

The present acute, disquieting state of society's effort to protect itself is but a stage of an antagonism which will continue so long as the evil exists in any form and society has any will to protect itself.

Mr. LOWERY. Mr. Chairman, will the gentleman yield for a question?

Mr. BOX. Yes.

Mr. LOWERY. Has not prohibition, since it has been adopted, prohibited better than attempted regulation succeeded in regulating?

Mr. BOX. Yes; I think so. But there is difficulty enough in connection with both. I believe the gentleman is correct; but I would, if I could, remind those who are at war with the Constitution that they have no right to engage in such war.

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

Mr. BOX. May I have a little more time; say, five minutes?

Mr. AYRES. Mr. Chairman, I yield to the gentleman five minutes additional.

The CHAIRMAN. The gentleman from Texas is recognized for five additional minutes.

Mr. BOX. In spite of a sinister and misleading propaganda, the American purpose is unshaken. This is shown in many ways. Among them is the election of the personnel of this House. From three out of every four of the congressional districts of the United States there come, and will continue to come, men whose votes sustain the American purpose. There are about three dry districts for every wet one. Hear it; you who oppose your country's Constitution and laws and seek to set them at naught! A minority of constituencies of a certain type, and many individuals of a certain type in all of them, hope that America will abandon its struggle with the social enemy. It will not!

How can any man in official position, here or elsewhere, who is under heart allegiance or oath-fixed obligation to the Constitution encourage sedition against it? I hope we shall hear less and less of that; but whether we have more or less of it, the purpose of America is fixed, and sooner or later it will be accomplished. If I could make my suggestion reach over the Nation, I would call upon it to speed the accomplishment of that purpose by measures which are characteristic of the country's vigor. [Applause.]

Mr. HASTINGS. Will the gentleman yield?

Mr. BOX. Yes.

Mr. HASTINGS. Does not the gentleman think that when the Prohibition Enforcement Unit adopts the policy of appointing men throughout the country in real sympathy with this legislation instead of making political appointments we shall have a better enforcement of the prohibition law?

Mr. BOX. I think there is great force in the suggestion the gentleman makes. The ends of political patronage often seem to be uppermost in the minds of the administration in making these appointments. The politicians dictating them are not usually in either branch of Congress; but in the executive department and in the national and State machines, outside of Congress.

Mr. HASTINGS. Does not the gentleman know that the civil service law is disregarded in every branch of this Government and particularly in the Post Office Department, and does not the gentleman know that there is no regard whatever paid to the civil service law in the appointment of postmasters or rural carriers throughout the country?

Mr. BOX. The gentleman has some suspicion in that direction; indeed he knows that to a great extent it is true.

Mr. HASTINGS. I will say, without fear of successful contradiction, that every appointment made in my district is a political appointment.

Mr. GREEN of Florida. Will the gentleman yield to me?

Mr. BOX. Yes.

Mr. GREEN of Florida. Does not the gentleman believe that foreign diplomats and any other foreigners who come to America should have to abide by the American Constitution while they are here?

Mr. BOX. Yes; and I believe that we, native born and newcomers, must ourselves obey or be forced to obey. [Applause.]

The difficulties are great, but the salutary purpose which prompted prohibition, respect for the Constitution as the mainstay of order, and the dignity and self-respect of the Nation, require vigorous enforcement of this law against the present wholesale violation of it. The United States Government has the power to enforce it. If the Government fails to enforce it, the failure will be due to unwillingness or weakness. (CONGRESSIOAL RECORD, January 20, 1926, pp. 2443–2444.)

OPPOSING PROPOSITION TO EXEMPT LARGE BODIES OF CUT-OVER LANDS FROM STATE, COUNTY, AND OTHER TAXATION

Mr. BOX. I believe in reforestation by letting nature reproduce timber, unhindered by forest fires and other destructive forces turned loose by carelessness and disregard for the future; but to exempt from county, State, and other local taxes large bodies of land owned mainly by nonresidents and let them stand for decades, used by private owners for grazing, mineral, and other valuable uses, leaving the share of taxes which should be paid on such lands to be paid by small farmers, merchants, business men and others, is unsound and oppressive.

Section 7 of the bill pending in the House at the time the following discussion occurred provided:

SEC. 7. That to enable owners of lands chiefly valuable for the growing of timber crops to donate or devise such lands to the United States in order to assure future timber supplies * * * subject to such reservations by the donor of the present stand of merchantable timber or of mineral, grazing, or other rights as the Secretary of Agriculture may find to be reasonable and not detrimental to the purposes of this section * * *. Any lands to which title is so accepted shall be in units of such size or so located as to be capable of economical administration as national forests either separately or jointly with other lands acquired under this section, * * *

and contained other provisions in harmony with those quoted.

These provisions opened a way for the establishment of such a system by passing the apparent title to such lands to the United States Government while the owners retained many beneficial interests and had other advantages which space will not permit me to explain. For these reasons I moved to strike section 7 from the bill then pending. I quote from the CONGRESSIONAL RECORD, showing a part of the discussion of this proposition:

Mr. BOX. Mr. Chairman, I move to strike out section 7.

Mr. OLIVER of Alabama. Mr. Chairman, I have a perfecting amendment.

The CHAIRMAN. That will be considered as pending. The perfecting amendments will have the preference.

Mr. WATKINS. I have a perfecting amendment.

The CHAIRMAN. There is an amendment pending, that of the gentleman from Utah [Mr. LEATHERWOOD].

Mr. WATKINS. I have a substitute at the Clerk's desk.

The CHAIRMAN. The gentleman from Texas [Mr. BOX] is entitled to recognition if he desires it.

Mr. BOX. Mr. Chairman, I want to discuss the amendment and let it be pending.

I call the attention of the House to what appears to me to be a very serious element in this paragraph. With the purposes of the bill I am in full accord. The effect of this paragraph, however, seems to be to enable the owner of privately owned lands to denude them and then convey them to the Government, retaining the grazing, mineral, and timber rights, and thereafter have the Government reforest them. I think the effect of the paragraph as it is now written would be to let the Government be the owner of the timber reproduced by it. I am not sure about that. But the effect, I think, necessarily results that these bodies of land, that have been constituting half or three-fourths of the lands in some of the counties in the timber belt now subject to taxation, would thereby be withdrawn from the power of the State and local authorities to tax them, and correspondingly burden the small farms and all other taxable property in the counties. The men who own other small farms and small bits of property would have to pay the taxes necessary for the construction and maintenance of roads, bridges, and for all other municipal purposes. The financial effect on those counties having a great part of their property consisting of cut-over lands, many of them valuable for purposes of cultivation, would be that all those lands would be withdrawn from taxation and the local authorities left without power to tax them, forcing a corresponding increase in the taxes on other taxable property in the counties.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. BOX. Yes.

Mr. MOORE of Virginia. Does the gentleman know of anybody who ever made an investigation for the purpose of forecasting to what extent the privately owned lands of the country will be put in the position you indicate in case this section should be adopted?

Mr. BOX. I have no accurate information on that subject. I know that the amount of such land is very large. I think I know that there are counties in my State where three-fourths of the lands in a county are thus owned. I think the effect would be to bankrupt all counties in timber belts such as that or burden other taxpayers ruinously.

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

Mr. BOX. Yes.

Mr. LEAVITT. Has the gentleman noticed at the beginning of section 7 that these lands must be chiefly valuable for the growing of timber crops? They would not include agricultural lands.

Mr. BOX. It would include many. Whether or not a particular parcel of land would or would not be included will depend upon what estimate men may make of present and future values. One man might think the chief value would be to put the land under cultivation now, whereas another might prefer to let the timber grow for a hundred years. While I believe in reforestation, and that the purposes of this bill are wise, I hope it will be put in such shape that we can all vote for it. I believe we are guilty of a crime against posterity in the manner in which we are allowing our forests to go to ruin. That is an unpardonable blunder. But I insist that this section contains a serious vice which should be eliminated.

Mr. CLARKE of New York. Mr. Chairman, will the gentleman yield?

Mr. BOX. Yes.

Mr. CLARKE of New York. I suggest that if these lands are worthless, nobody would pay taxes on them, would they?

Mr. BOX. They are not worthless. They are the source from which much of the revenue of some counties now comes to the small counties in the timber belt. If the timber is cut off, many of the big companies will not sell their lands after the timber is cut off. They hold them for speculative purposes or for their families during succeeding generations.

Mr. CLARKE of New York. If the State or Government promotes the growth of timber there, under the policy of the Government 25 per cent of the gross revenue derived from the receipts of the national forests will go back to those States.

Mr. BOX. There will be no revenue, as I see it, from these lands. The private owner retains the grazing rights and the mineral rights, which are in many cases prospective, so that they can not now be taxed to any substantial extent, but they may in the future become very valuable. For instance, in my territory we are finding great oil fields. Individuals or corporations will pay no taxes on oil undiscovered.

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

Mr. BOX. May I have five additional minutes?

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for five additional minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BLANTON. Will the gentleman yield?

Mr. BOX. Yes.

Mr. BLANTON. Is it not a fact that most of these owners are nonresidents who sometimes live several thousand miles away from the land?

Mr. BOX. A great many of them are, and few of them live in the counties where the lands are located. Some are unwilling to help bear the burden of the cost of improving the roads, which add value to their land. They allow a scattered, growing population to make these improvements for them and thereby increase the values of their property. Under the provisions of section 7 it is possible for them to hold all substantial value in the lands without paying tax on them.

I insist that the Members of this House consider this proposition before they vote to retain section 7 as it now is.

Mr. KINCHELOE. Will the gentleman yield?

Mr. BOX. Yes.

Mr. KINCHELOE. If those lands are as valuable as the gentleman says they are—and I am sure they are—they would not donate them to the Government.

Mr. BOX. They will donate the land to the Government where they have cut away the timber, worth $50 or $100 per acre. The land is now worth from $5 to $10, but in 20 or 30 years it may be worth much more because of the timber, which will grow; and oil or other mineral may be found and the land made vastly more valuable. They hold them now. Under this clause they may escape taxation and speculate on what the future may develop without carrying a burden they now carry. These large landowners are not given to making donations for the interest of Uncle Sam. He gets the worst of his dealing with them. "Beware of Greeks bearing gifts."

Mr. BLANTON. And because of the oil and minerals.

Mr. KINCHELOE. If that be true, I do not believe these people would give the land to the Government.

Mr. BOX. The Government is to grow timber on these same lands, and the present owners are to retain the present timber—that is, the young timber which is good for piling, for mine props, and for wood and every other purpose. That will all be mixed up with the other timber which the Government is to grow on the same lands, which are to be thus exempted from taxation. It is a very serious matter for some of my people and for other sections. This proposition should be given serious consideration by the Members of the House.

Mr. CARTER. Will the gentleman yield?

Mr. BOX. Yes.

Mr. CARTER. As a matter of fact, is it not a fact that under section 7 practically everything of value in connection with the land that may be devised is retained in the owner by this reservation in the bill, and there is nothing of value to be transferred to the Federal Government?

Mr. BOX. Nothing of present productive value.

Mr. CARTER. That is it. The grazing and mineral, or other rights, as the Secretary of Agriculture may find to be reasonable, are all retained, so that the effect of it would be, it seems to me, that the owners of the land would be permitted to shift the burden of taxation over on the Federal Government and yet retain everything of value in the land. In other words, they would keep everything the hen laid except the shell?

Mr. BOX. Yes; and they would hold the land for speculative purposes, for the growth and development of these elements which now have little or no taxable value, but which have great prospective value, and the local authorities will be unable to derive any considerable amount of revenue from timber that is to be merchantable 50 years hence, or from oil that is to be discovered 25 years hence. They will be deprived of the right to tax the land, and counties thus made up will be deprived of a great portion of the revenue which now supports the local government. (CONGRESSIONAL RECORD, April 23, 1924, pp. 6987–6988.)

My motion to strike out section 7 and my criticism of the effect of it was followed by an amendment by supporters of the section which tended, inadequately, to remedy the evil pointed out.

Senator SHEPPARD afterwards made exactly the same fight in the Senate on exactly the same grounds on which I based my objection to section 7. (CONGRESSIONAL RECORD, June 6, 1924, pp. 10958–10959.)

Feeling that notwithstanding the amendment mentioned the law was still dangerous to our people, I took up with the Secretary of Agriculture the manner in which it was to be administered in eastern Texas and pointed out to him the bad results which such a system would produce in counties having large bodies of such lands if administered in the manner I believed to be contemplated, and had his assurance that if an effort was made to establish such a system there I and others representing the State would be given a chance to present the views and interests of our people. Apparently no effort has thus far been made to establish this system in our section, though it is said to be in vogue elsewhere.

The ownership by the Government of the United States of extensive bodies of land in many Western States has very greatly increased the tax burden resting on privately owned lands and other private property.

APPROPRIATIONS FOR NECESSARY FEDERAL ACTIVITIES IN THE SECOND TEXAS DISTRICT

PUBLIC BUILDINGS FOR POST OFFICES AND OTHER FEDERAL ACTIVITIES

Orange, Tex., post office: For completion, $10,000.

The construction of the Federal building at Orange was authorized in 1913—six years before the termination of the service of the late Hon. Martin Dies—but, like many other buildings authorized in 1913, it was not contracted or erected because of the war and because of insufficiency of appropriations. The additional appropriation quoted above was made by the Sixty-sixth Congress, the first in which I served, and the building later erected.

BEAUMONT, TEX., POST OFFICE AND COURTHOUSE

A report on proposed public buildings made by Secretary Mellon and Postmaster General New to the House Committee on Public Buildings and Grounds in 1927 outlining the present six-year public building program, based largely upon data presented and argument and insistence made by me, contained the following:

We recommend that an extension be provided to meet all needs at Beaumont; also the purchase of additional land if same is necessary.

Concurrent with the above report was another, made about the same time, carrying an estimate of expenses in which the following appeared:

Beaumont (Tex.)	$220,000
Sabine Pass, quarantine station	350,000

At the recent session of Congress the initial appropriation was made for Beaumont in the following language:

Beaumont, Tex., post office and courthouse: For acquisition of additional land and expenses preliminary to commencement of construction, $40,000.

These provisions for public buildings substantially exceed the average for the same period for Texas congressional districts and the country over.

APPROPRIATIONS FOR RIVER AND HARBOR IMPROVEMENTS

Under acts of Congress apportionments to our district for river and harbor work, beginning in 1921, have been as follows:

Year:	Amount
1921	$344,400
1922	355,000
1923	930,000
1924	690,000
1925	1,000,000
1926	1,100,000
1927	740,000
1928	1,025,000

In addition to the above are the sums of $800,000 for 1926, $74,030 for 1927, and $584,100 for 1928, apportioned for work on the intracoastal canal to cross the district I have the honor to represent, each and west, connecting with the ports of Orange, Beaumont, and Port Arthur.

The second Texas district, which I represent, has during the last five years, considered as a whole, been a larger beneficiary of national river and harbor appropriations than any other Texas district.

WORK OF THE CLAIMS COMMITTEE OF NATIONAL CONGRESS

I wish that my constituents all might know the nature and extent of the work done by this important committee and the

connection of their Representative as the ranking Democratic member of that committee, which has jurisdiction over thousands of claim bills, involving many millions of dollars in just and unjust demands against the Federal Treasury, funds of which are, of course, raised by taxation. The 21 members of the Claims Committee are divided into subcommittees for the purpose of considering its business. These subcommittees frequently have to pass on claims involving hundreds of thousands, or even millions, of dollars. The subcommittee of three of which I serve as chairman has considered a number of such bills, requiring great labor and the exercise of the best judgment in determining the rights of claimants and protecting the interests of the Government. As indicating something of the character of my own service on this committee I quote the following statement by Hon. CHARLES L. UNDERHILL, chairman of the Claims Committee, made in discussing an important general bill reported by the committee:

Mr. UNDERHILL. Before I close I want to pay a tribute of recognition to the men, the lawyers, on my committee. You all know I am a layman; I could not possibly have gotten this bill out and have met with its legal requirements if it had not been for such men as the gentleman from Texas [Mr. BOX], the ranking man of the minority on the committee; * * * (CONGRESSIONAL RECORD, January 30, 1928, p. 2187.)

Hon. THOMAS L. BLANTON, once a member of this committee and familiar with its work, recently said:

Mr. BLANTON. There is not a man here who appreciates more the splendid work of my colleague from Texas [Mr. BOX] than I do. I appreciate the splendid work which he has done on this committee. For the work he has already done the people of his district ought to keep him here for the next 10 years. [Applause.] I will say that without equivocation. (CONGRESSIONAL RECORD, January 30, 1928, p. 2190.)

In a letter written May 1, 1928, about some very important business being handled by this committee and acknowledging receipt of papers pertaining thereto prepared by me, Hon. JOHN Q. TILSON, Republican leader of the House, said:

Many thanks for your letter of the 30th ultimo, inclosing report and minority views regarding certain bills emanating from the Claims Committee.

You and Mr. UNDERHILL (the chairman) have done fine work on your committee, and I for one appreciate it. You may, therefore, count upon me to cooperate with you as far as I reasonably can.

During recent years when the settlement of damages caused by German depredations upon our shipping and commerce (German spoliations) were under discussion, and when the suggestion was made that such German spoliation claims might continue to harass Congress for a long time, as the French spoliation claims have done, Hon. FINIS J. GARRETT, Democratic leader of the House, said:

Mr. GARRETT of Tennessee. If there is a hangover like there has been in connection with the (French) spoliation claims, I hope the gentleman from Texas [Mr. BOX] will be here to deal with them. (CONGRESSIONAL RECORD, December 16, 1926, p. 621.)

The expense to me of reprinting any considerable portion of the CONGRESSIONAL RECORD relative to my service here would be prohibitive. All of the matter would be too voluminous to be generally read, but these limited selections will suggest to citizens at least some of the facts they should know.

BUSY SESSION OF CONGRESS

Mr. JOHNSON of Washington. Mr. Speaker, the first session of the Seventieth Congress, now about to adjourn, has been a busy and important session, lasting almost six months and handling many subjects of far-reaching importance.

The flood control act was brought about without partisan feeling, and in my opinion this great act for the salvation of the Mississippi Valley and its tributaries will lead on to other great acts of internal improvement in all parts of the country.

Other important accomplishments include tax reduction, postal rate reduction, German-American war claims settlement, a $100,000,000 public-building program, increased appropriations for agricultural extension work and reforestation, a merchant marine act, and a $20,000,000 salary increase for underpaid Government employees.

Efforts were made to meet the farmers' demand for relief by offering the McNary-Haugen bill, but with its revolving fund and equalization fee the bill had the same objections that had caused it to be vetoed in a previous Congress. In fact, its defects became more apparent, even to many of its strongest supporters. I think that a plan will be found to give relief to the farmers through the debenture plan.

Other great problems before the Congress are in process of solution. For instance, the power situation, the adjustment of the coal situation, and unemployment resulting from increasing use of mechanical and labor-saving devices.

This session failed to pass a reapportionment bill—a great disappointment to many growing States. A deadlock exists between Representatives of States which have lost population and those which have gained. Neither side desires increase of membership in the House beyond the present number—435.

For me this session just closed has been an extremely busy one. As the third congressional district of Washington is large in area and increasing rapidly in population, I feel that I should make a statement as to bills passed by me of interest to the district and the State. I make this statement because, after almost 16 years in the Congress of the United States, my work as Representative increases more and more, and the time necessary for personal campaigning for reelection is limited.

VANCOUVER HIGHWAY RIGHT OF WAY ACT PASSED

The first bill introduced by me to become law in the Seventieth Congress was the one which granted to the city of Vancouver a perpetual easement for the construction and maintenance of a public highway, not exceeding 60 feet in width, paralleling the Columbia River on the Vancouver Barracks Military Reservation. Enactment of special legislation was necessary in this case for the reason that the general law on the subject of easements for highway rights of way permits the Secretary of War to make grants only to States and counties; not to cities. The city of Vancouver needed the roadway in order to give the port of Vancouver access to valuable industrial property owned by it, which without highway facilities could not be utilized. After passing House and Senate the bill was signed by the President February 13, 1928.

BILL FOR PUYALLUP INDIAN CEMETERY FUND ENACTED

Next in order among my successful bills was one introduced upon the informal suggestion of the Commissioner of Indian Affairs. The trustees of the Puyallup Tribe of Indians submitted to the Department of the Interior a formal request that funds for the upkeep of their ancestral cemetery in the city of Tacoma be provided by the deposit of $15,000 in a local bank at 6 per cent interest. The department was agreeable, but was without legal authority to set aside a fund, and further was of opinion that it would be better to invest $25,000 at 4 per cent interest. The tribe had to its credit in the Federal Treasury some $68,000 which, under the law, could be used only for school purposes. Accordingly, my bill proposed to invest $25,000 at 4 per cent for permanent upkeep of the cemetery. The measure won approval all down the line and became a law March 28, 1928.

BOARD OF STEAMBOAT INSPECTORS AT HOQUIAM CREATED

A bill of considerable interest to people of Grays Harbor and Willapa Harbor was the measure introduced by me to authorize appointment of a board of steamboat inspectors at Hoquiam. This proposition came to me from the chamber of commerce of that thriving city—which, by the way, is as wide-awake and capable a civic organization as I have ever met—and immediately won the support of the Supervising Inspector General of the Steamboat Inspection Service, Hon. Dickerson N. Hoover. Captain Hoover visited the north Pacific coast in 1927, and after his return to Washington, D. C., assisted me in preparation of the bill which has now become law. His report on the measure, submitted to Chairman WALLACE H. WHITE, of the House Committee on the Merchant Marine and Fisheries, stated that more than 800 vessels, with a total net registered tonnage of over a million, now sail annually from Grays Harbor, as against 400 vessels, with a total net registered tonnage of 233,000 in 1920. The purpose of the bill is to provide closer and better facilities for handling the shipping business in the Grays Harbor and Willapa Harbor districts. While the new board will cost the Government a small additional sum, the benefits to be derived through closer and more direct supervision of shipping, and the elimination of expense and lost motion in transportation of inspectors from the Seattle office to the two harbors, will more than justify the increase. The board will consist of an inspector of hulls and an inspector of boilers. The act was approved May 22, 1928.

RIVER AND HARBOR AUTHORIZATION BILL REPORTED

It is to be doubted that any congressional district in the United States has more navigable water at its borders than has the third district of Washington. With more than 100 miles of Pacific coast, nearly 200 miles of the Columbia River, and all the arms of Puget Sound south of Kitsap County, southwestern Washington is perpetually interested in Federal improvement of rivers and harbors. The last authorization bill for rivers and harbors was that of January 29, 1927. The next one, which should be passed before March 4, 1929, was

reported by the House committee May 28, 1928, the day before adjournment.

CHEHALIS RIVER IMPROVEMENT

I am pleased to report that the third district of Washington fares well in this bill. The project for the improvement of the Chehalis River between Cosmopolis and Montesano so as to provide a channel 16 feet deep and 150 feet wide is recommended for adoption. The total estimated cost of the work is $423,000, of which one half, or $211,500, is to be borne by the Government and the other half by local interests. Two hearings on this proposition were had before the Board of Engineers for Rivers and Harbors, the final result being a favorable recommendation, concurred in by the Chief of Engineers of the War Department and the House Committee on Rivers and Harbors.

COLUMBIA RIVER CHANNEL AT VANCOUVER

Modification of the project for the improvement of the Columbia River at Vancouver is also recommended. Under the project adopted about four years ago local interests were called upon to put up $30,000 a year until completion of the work at a total cost of $93,000. As the burden upon the port district was too heavy, I took the matter up with the Chief of Engineers, securing a reduction of the local contribution to $20,000 per annum. The Chief of Engineers reports a gratifying development of commerce at Vancouver, which port handled only 3,295 tons of shipping in 1921, but in 1926 handled 117,204 tons. In 1926, 90 steam schooners and tramp steamers called there, while in 1927 the total number of vessels was 137.

In addition to modification of the local contribution, I have had incorporated in the river and harbor bill a provision for a new survey looking to the improvement of the Columbia River for a distance of 1 mile above the city limits of Vancouver. This is with a view toward providing deeper water for new industries which, it is hoped, will be located above that enterprising city. This may mean eventually a further modification of the existing improvement project, but action will depend upon the sort of showing that may be made as to the necessity for inauguration of the work.

TACOMA HARBOR AND ITS WATERWAYS

One of the most important surveys in the river and harbor bill is that which will provide a preliminary investigation of all the waterways and channels of Tacoma Harbor. Because of its splendid depth and magnificent spaciousness Tacoma Harbor has needed little expenditure of Federal funds. The last project affecting it was that for the deepening of the city waterway, adopted in 1916. Several years ago I made a strenuous effort to secure cooperation of the National Government in the control of the floods of the Puyallup River. The engineers of the War Department reported adversely, however, and the matter has since been pending before the Board of Engineers for Rivers and Harbors, awaiting a time when involved and difficult local interests could be brought into harmony. I am in hopes that the new survey will touch this problem and bring out facts which will move toward solution of Puyallup flood control, at the same time recommending any waterway or channel improvements that may be necessary.

GRAYS HARBOR BAR CHANNEL

Another important survey is that of Grays Harbor Bar Channel. This channel has been under Federal improvement since 1896, and more than $4,000,000 has been spent on the bar, inner harbor, and Chehalis River, including the cost of north and south jetties. Until the act of January 29, 1927, the Government engineers had no authority to dig the channel deeper than 24 feet at low water, but under that act they now have authority to dig as deep as they can. I am now informed that continuous dredging has provided a depth of 30 feet, and that 36 feet or more will be available by the close of the dredging season this fall. The new survey, which will be made if the pending bill becomes law, will reinvestigate the need for improvement of the bar channel by reconstruction and extension of the jetties.

This is an important engineering problem, involving also the economic possibilities of the entire Grays Harbor country, and determining whether or not the Government will be justified in spending one and one-half times as much on new jetty work as has been spent on jetties and dredging in the more than 30 years the bar has had Federal attention. It is difficult to predict what will be done, but I am of opinion that if continuous dredging, as now authorized by the act of January 29, 1927, does not provide adequate bar-channel depths the Government will adopt a jetty-construction program.

OLYMPIA HARBOR

I had expected to bring about the incorporation in the river and harbor bill of a provision affecting Olympia Harbor, the project for which was adopted in the last bill. It turned out, however, that the Chief of Engineers was willing to reinvestigate that harbor, with a view toward approving a wider channel, on a mere committee resolution. Such a resolution was adopted at my request last winter, thus gaining a year or more of time.

WILLAPA HARBOR

The last report I had on Willapa Harbor improvement, authorized by the act of January, 1927, was that dredging work is to go forward steadily this summer. The dredge *Oregon* has been working in the inner harbor, and the big ocean-going hopper dredge *Culebra* is to work on the bar in July. An allotment of $40,000 has been made out of available funds, which will be spent in addition to funds belonging to the work heretofore made available. Willapa Harbor is another splendid haven which has required little improvement work. It is expected that the project now in progress will make it able to take care of its shipping better than ever before.

FORT LEWIS'S NEW BUILDINGS MAKE GREAT PROGRESS

I am gratified to report splendid progress on the program of building construction at Fort Lewis. Without doubt nothing so grieved the good people of southwestern Washington over a long period of years as the Government's delay in providing adequate shelter for troops stationed at this famous post. Even by the time of the armistice the hastily constructed barracks erected for training of overseas troops in 1917 had begun to deteriorate. Despite my earnest appeals, the War Department moved at a snail-like pace in formulating its plans for reconstruction. With the cooperation of Representative MILLER, of the Seattle district, and Senator W. L. JONES, I had the honor to take the initial steps looking to erection of permanent buildings at Fort Lewis when, in the spring of 1924, I had incorporated in the Army appropriation bill—act of June 7, 1924—the following amendment:

> * * * and the Secretary of War is hereby authorized and directed to submit to the Congress at its next session a comprehensive plan for necessary permanent construction at military posts, including Camp Lewis, in the State of Washington, based on using funds received from the sale of surplus War Department real estate, and for the sale of such property now owned by the War Department as, in the opinion of the Secretary of War, is no longer needed for military purposes.

In pursuance of this instruction the War Department did submit a plan for new construction in December, 1924, but by reason of the illness and death of Hon. Julius Kahn, then chairman of the House Committee on Military Affairs, the retirement of Hon. John C. McKenzie, ranking member of that committee, and the death of Secretary of War John W. Weeks, it was not until March 12, 1926, that the military post construction act was approved by the President.

The progress of the matter since that time has been remarkable. Millions of dollars recovered from the sale of surplus War Department property have been spent at permanent establishments in various parts of the country, and Fort Lewis has gotten a generous share.

The friends of Fort Lewis are grateful to that sterling American, Hon. W. FRANK JAMES, of Michigan, who as chairman of the real estate subcommittee of the House Committee on Military Affairs has handled all construction authorizations, both in the committee and in the House. Representative JAMES'S devotion to his duties moved him to make an airplane journey across the country in 1927, in the course of which he accepted my invitation to visit Fort Lewis. His personal view of the post on that occasion has given him a keen interest in the building project, and has brought assurances that the work will go on to a satisfactory conclusion.

Money actually appropriated for Fort Lewis thus far includes $1,300,000 for barracks for enlisted men, $30,000 for quarters for noncommissioned officers, $72,000 for officers' quarters, and $350,000 for the post hospital, or a total of $1,752,000.

In addition there have been authorizations for which appropriations will shortly be made covering $350,000 for more barracks for enlisted men, $68,000 for additional quarters for noncommissioned officers, $50,000 more for officers' quarters, and $32,000 for nurses' quarters, making a total of authorizations of $500,000.

In the last days of the session just closed the House passed still another authorization of $308,000, including $93,000 more for noncommissioned officers' quarters and $215,000 for officers' quarters.

Summarized, the Fort Lewis appropriations and authorizations, including the last authorization passed by the House, but not yet passed by the Senate, total $2,560,000. My understanding is that the War Department expects to spend between four and five million dollars on this big job and will make Fort Lewis at last one of the most beautiful and useful establishments in the country. Those who have seen the first of the

handsome new brick buildings being erected there can have but a faint idea of what the post will be when all are completed and when the distinguished landscape artists engaged by the Government have finished their labors. Instead of tumbledown shacks, an eyesore to the public and an abomination to the unfortunate officers and men forced to inhabit them, Fort Lewis will present modern, permanent, fireproof buildings. It is a matter of pride to me that I had a part in initiating this great improvement, and I hope the time will soon come when through its completion there will be stationed in the new structures a full complement of officers and men in continuous training.

DEVELOPMENT OF AMERICAN LAKE HOSPITAL

Another great improvement in the Fort Lewis locality will be the new $220,000 building for the accommodation of 100 additional patients at the American Lake Veterans' Bureau hospital. Appropriation for this structure has not yet been passed, but the authorization is carried in the hospital building program bill approved by the President May 23, 1928. The 100 additional beds authorized is in addition to a previously made 100-bed authorization, besides which General Hines, Director of the Veterans' Bureau, plans to use a lump-sum authorization for such further accommodations as may be needed. American Lake Hospital is recognized as one of the most successful and most economical Government institutions. It fills a most important need and renders a most valuable service. It is an asset to the State of Washington, and I was glad to appear before the Committee on World War Veterans' Legislation to urge that its facilities be enlarged.

FISH CONSERVATION BILL ENACTED

In its far-reaching importance the bill introduced and passed by the joint efforts of Senator JONES and myself, to authorize investigation of devices for protection of fish in irrigation ditches, is outranked only by a few great national measures considered by Congress during the past session. Although it provides for an appropriation of only $25,000, this measure is the first step in a most important effort to conserve the food supply of the people.

Fishermen have long known the importance of protecting spawn and young fish at the headwaters of our western streams. It was not realized until lately, however, that the greatest loss of fish is occurring in the upper reaches of streams on which irrigation works have been installed. The immature fish, more particularly young salmon pursuing their natural course downstream toward the ocean, as well as trout and other game species, are swept into the irrigation canals and ditches, from which they can not escape. When the canals and ditches are drained at the close of each irrigation season the fish are killed and wasted. The problem involved is that of preventing, if possible, the admission of fish to irrigation works. It is a problem vitally affecting the food supply of the entire Nation, and arising as it does in structures erected by the Federal Government, it is proper that the Federal Government should employ all proper means looking to its solution. The Jones-Johnson Act authorizes and directs the Department of Commerce to study, investigate, and determine the best means and methods to accomplish this end. It is assumed that Federal officials will begin their work where the fisheries departments of Washington and Oregon have left off, and will undertake to invent or perfect a satisfactory device which will screen an irrigation ditch effectually against fish of all sizes entering it and still not hamper or hinder the flow of water, which is the all-important concern of the user or owner of the ditch.

The gravity of this problem has been shown by investigations which found as many as 20 fish lost for each acre of ground irrigated. At this rate, figuring 250,000 acres under irrigation, one year's destruction amounts to 5,000,000 fish, 4,500,000 being salmon in their first and second years. If the United States Bureau of Fisheries, in cooperation with the Reclamation Service, can devise a means to stop this tremendous wastage, it is reasonable to assume that from 100,000 to 200,000 cases will be added to the annual salmon pack in the Northwest. It is doubtful if anything could contribute more to the prosperity of our part of the country.

RELIEF FOR VETERANS OF THE WORLD WAR

Early last spring veterans of the World War in the Pacific Northwest called to my attention the need for legislation for the relief of disabled soldiers and sailors filing suits against the Government for settlement of their war-risk insurance policies. Several cases had been brought to trial and dismissed because of different and conflicting rulings interpreting statutes of limitation. I believe my bill to correct this difficulty was the first of several introduced in the House. The subject matter was given thorough consideration in the Committee on World War Veterans' Legislation, which reported out a remedial bill, which was passed and approved. The committee bill adopted the suggestion of mine fixing six years as the uniform statute of limitation. Suits heretofore filed and dismissed are revived under this law, and various technicalities perplexing even to the legal profession are adjusted to the advantage of disabled insurance claimants.

CARE OF INSANE ALASKANS

A bill on which I have labored for several years, which, I am sorry to say, did not get through the House of Representatives during the recent session, is one to relieve the State of Washington and other Western States of the care of insane citizens of Alaska. This proposition first came to me from Hon. Frank C. Morse, former member of the board of control, who for some years has been in charge of deportation of aliens committed to the insane hospitals of our State. The first bill on the subject prepared by me was indorsed by the then Governor of Alaska, Hon. Thomas Riggs. It was later indorsed by Gov. Scott C. Bone, Delegate DAN SUTHERLAND, and various Secretaries of the Interior.

My bill on this subject has two purposes. First, it would relieve any State of the care of any insane citizen of Alaska, if adjudged insane within one year after leaving that Territory, and authorize his treatment in Morningside Hospital, Portland, Oreg., which for many years has cared for Alaska insane under contract with the United States Interior Department. Second, it would relieve Morningside Hospital of the care of homicidal or otherwise dangerous Alaskan insane, providing for their transportation to and treatment in St. Elizabeths Hospital, Washington, D. C., which is perhaps the best-equipped asylum in the world.

Although this proposition has failed twice to pass the House by unanimous consent, I am still hopeful that it can be enacted, as Chairman GEORGE S. GRAHAM, of the House Committee on the Judiciary, has promised to bring it up on the first calendar day next session. Meantime, in order to direct attention to the importance of providing adequately for insane persons who should properly be charges upon the Federal Government and not the States, I have introduced a bill for establishment of a Federal insane hospital on McNeil Island. Such an institution may be needed in time. I shall urge investigation of the proposition with all energy.

OLYMPIC NATIONAL FOREST LAND EXCHANGES

Upon the suggestion of the Olympic Peninsula Development League, and after consultation with the United States Forest Service, I introduced early in the last session a bill to permit extension of the boundaries of Olympic National Forest by land exchanges. This bill is similar to, if not identical with, several measures affecting other national forests enacted in recent years, and is in line with the policy of the Government under which several worthy purposes are sought to be carried out, namely, the acquisition by the Government of denuded land suitable for reforestation, the disposal by the Government of mature timber suitable for logging, and the extension of Federal forest fire protection. Several years ago, by the act of March 20, 1922, the basic policy of the Government on this subject was laid down. It is that land outside the forest reserves suitable for reforestation may be acquired by the Government, and in exchange the Government can give an equal value of land or timber within the reserve. The law requires every proposed exchange to be publicly advertised in the newspapers.

There was some variance among suggestions given me as to the appropriate distance from the existing boundaries of Olympic National Forest to which the Government might go to acquire lands by such exchanges. One suggestion said 3 miles, another 6, another 11, and one 12. As I introduced the bill, the limit was fixed at 6 miles. When the Committee on the Public Lands of the House took up the measure it noted a recommendation submitted by the United States Department of Agriculture, and amended the bill in accordance therewith so as to permit exchanges up to 3 miles on the northern and eastern boundaries, and up to 12 miles on the southern boundary. In this form the measure passed the House by unanimous consent only a short time after a similar bill authorizing exchanges affecting Crater Lake National Forest in Oregon had passed.

Since the House acted in this matter I have learned of some objections to the bill originating in western Washington, which objections seem to be founded upon the belief that enactment of the measure would immediately remove from the tax rolls a large area of logged-off land. This is a misunderstanding. The bill, if enacted, would not of itself remove a dollar's worth of property from the tax rolls. It is not mandatory in its provisions, but permissive. It authorizes exchanges which, when consummated, after due public notice by advertisement, would

amount to mere transfers of taxable property. For every dollar's worth of logged-off land removed from the tax rolls there would be exchanged a dollar's worth of national forest timber, which would be equally taxable.

If it is thought that the bill reaches out too far from the existing boundaries of the national forest, amendments can easily be made in the Senate next winter. My interest in the matter is solely to enact a measure which will best serve the people of southwestern Washington, and whether a broad or narrow class of exchanges is to be permitted is of slight importance. The proposition is merely to give Federal forest-fire protection to a larger area, thus encouraging reforestation and hastening the day when a good second growth will be available, and at the same time to utilize ripe timber under the strict supervision of the Forest Service while logging operations near by are in progress and before decay sets in. My experience with Forest Service officials assures me that the interests of the Government and the people will be amply conserved in every step that may be taken in the event of the enactment of this bill.

MEMORIAL TO GENERAL GREENE AT FORT LEWIS

Early in the past spring officers of Henry A. Greene Lodge, No. 250, F. and A. M., Fort Lewis, informed me of their desire to erect a memorial lodge building within the confines of Fort Lewis Military Reservation. I took the matter up with the War Department, ascertained that the Secretary of War has no authority to permit construction of such a building, and at once introduced a bill to grant such authority. The bill was drafted to conform to a provision enacted several years ago to permit construction of a memorial building at Fort Leavenworth, Kans. The Secretary of War has made a favorable recommendation, and the Committee on Military Affairs of the House was all ready to submit a favorable report when, in the closing days of the session, Chairman MORIN of that committee could not get a quorum together to approve this and several other minor propositions. I am reasonably sure that the committee will act favorably and the bill will be enacted early next winter. If the measure becomes law, the memorial lodge building will be erected by the Henry A. Greene Memorial Association, numbering some of the most prominent and public-spirited Masons of Tacoma and vicinity, and space within it will be reserved for the Fort Lewis post office free of cost to the Government.

DAMAGES PAID ANTON ANDERSON

Anton Anderson, a fisherman of Chinook, has received by this time a small sum of Government money for which he has waited more than eight years, by reason of the enactment of a special bill introduced by me which became a law May 3, 1928. On April 8, 1920, the United States launch *Vigilant*, while operating in fortification construction work at the mouth of the Columbia River, accidentally ran into Mr. Anderson's fish trap, causing damages which cost him $170 to repair. After investigation the War Department was all ready to reimburse him directly, under authority of general law, when it was discovered that the *Vigilant* was not engaged in connection with river and harbor works. It became necessary to introduce special legislation, but on account of the overwhelming mass of bills in the Committee on Claims of the House the proposition was not reached until this year, when it received prompt and favorable action and was approved by the President.

PENITENTIARY WARDEN RELIEVED OF LIABILITY

Another settlement, long delayed by congestion in the House Committee on Claims, is that provided by the act of May 14, 1928, introduced by me for the relief of Finch R. Archer, warden at McNeil Island Penitentiary. Warden Archer was charged on Government books with the loss of $1,608.54, representing the value of money and personalty stolen by escaping prisoners, Turner and Peronto, September 26, 1922. Turner and Peronto were in the penitentiary serving three-year terms—one for forgery and the other for embezzlement. Turner was made a stenographer and Peronto a clerk-typist in the penitentiary office. Peronto was granted parole, won the confidence of the warden and other officers, had the run of the prison grounds, and was treated as a civilian employee. As Turner slept in the prison office and Peronto had practically complete liberty, it was an easy matter for the pair to rob the prison safe and escape with $594.79 belonging to other prisoners, $121.75 from the meal fund, and $892 worth of jewelry and effects belonging to inmates. Neither was apprehended. The bill introduced by me, which is now a law, makes settlement with Warden Archer in the amount charged against him on account of the robbery.

RELIEF OF DAVID J. WILLIAMS

Still another settlement, involving a case which was a cause célèbre in the Pacific Northwest a few years ago, was that crediting the accounts of David J. Williams, former collector of internal revenue at Tacoma, in the amount of $22,160.78, the sum stolen from the internal-revenue office at Seattle in a holdup which occurred March 16, 1920. The day before had been a heavy tax collection, as it was the last day for filing 1919 income-tax returns.

While Deputy Cashier R. E. Stafford was working on his reports early on the morning of March 16 two men, unmasked, but unknown, entered the office and covered him with revolvers. They forced him to enter the vault and unlock the burglar-proof safe, from which they took packages of currency amounting to $22,000. When Collector Williams was checked up by Government officers a shortage of $24,734.78 was found. The sum of $2,574, however, was reported to represent defalcations of employees of the office. So by the act just passed, approved April 27, 1928, credit is allowed for only $22,160.78, the amount of the robbery, plus some unidentified collections which could not be traced. Former Collector Williams is now living in Beverly Hills, Calif., but his many friends in Tacoma and other western Washington cities will be pleased to know that the burden under which he has been laboring more than eight years has been removed.

CASE OF JOHN P. PENCE

The House of Representatives on January 11, 1928, passed my bill to reappoint Lieut. John P. Pence, of Tacoma, an officer in the Signal Corps, United States Army, but the Senate Committee on Military Affairs rejected the measure. The case of Pence was a most unusual one. He was stationed at the isolated military telegraph post, Fort Gibbon, Alaska, in 1922. With him were his wife and 2-year-old son. Another child was expected. The post had been ordered abandoned, but decision with respect to removal to another location was delayed. During the period of delay Pence made repeated efforts to find a way safely to provide for his wife during approaching childbirth. It was impossible for her to take the trail unaccompanied. It was impossible for him to obtain either transfer or leave of absence. No other appropriate means could be found. Orders for removal to another situation, expected daily, were not received. At the time most critical in his domestic affairs, Lieutenant Pence was discharged as first lieutenant and tendered appointment as second lieutenant. This by reason of reduction of the Army. To protect his wife and son, and for the safety of his unborn child, he chose to decline demotion, accepting an honorable discharge from the Army. Thereafter he transported his family by sled, train, and boat to Tacoma, where the expected child was born February 8, 1923.

The House Committee on Military Affairs saw the desirability of reappointing this man to the Army and acted favorably on my bill. The House passed the measure. So much time has passed since the matter was first presented by me, and so many new officers have entered the Army, that in view of the Senate Committee's action there is no hope that my bill can be revived.

MRS. SPENCE'S BILL PASSED THE HOUSE

On July 23, 1926, shell fire from Reserve Officers' Training Corps artillery practice started a fire on the Fort Lewis artillery range. The flames, fanned by a strong wind, became uncontrollable, swept outside the reservation, and burned over 120 acres of pasturage and 20 acres of sown meadow owned and used by Mrs. Letitia Spence. An old straw barn, a manure spreader, 100 loads of manure, and part of the boundary fence belonging to Mrs. Spence were destroyed. In her behalf I introduced a special bill to reimburse her for the loss. The matter was taken up in the House Committee on War Claims, which committee reported that, although the damage was not due to the fault or neglect of any person, the Government should pay Mrs. Spence $966.20. The case was taken care of in an omnibus war claims bill which passed the House, but did not pass the Senate in the last session. I am hopeful that it will become a law before adjournment of the winter session on March 4, 1929.

PRESIDENT VETOES COWLITZ INDIAN CLAIM BILL

One of the disappointments of the past session was the veto message of the President which checked my effort to provide authority for the Cowlitz Tribe of Indians to file suits against the Government in the Court of Claims. Almost everybody in southwestern Washington knows of the long and patient efforts of the members of this tribe to present their claim on account of rich and fertile lands taken without compensation by white people in the early days. The Cowlitz bands made no treaties with the Federal Government, as did some Indian tribes, but they have always believed themselves entitled to relief. Bills to permit them to file suit in the Court of Claims have been introduced by me for a dozen years or more. Twice before this matter has come very near to a conclusion; once when the Hadley bill, giving the Claims Court authority to hear other western Washington Indian cases, was under consideration, and another time when the Cowlitz proposition passed the House independently. My advice to the Cowlitz people was that they

join with other western Indians to secure relief under the Hadley bill. This they declined to do at that time, but later they agreed, so that the bill which has now been vetoed is a mere amendment of the Hadley bill which should have been a part of it originally. I am very sorry about the veto, as the bill passed both House and Senate without question or debate, but I am in hopes that the measure can be passed over the veto when Congress assembles again next winter. I shall do all I can in the matter.

A 22-YEAR-OLD CLAIM SETTLED

A claim nearly 22 years old was disposed of when Congress passed and the President approved my bill for the relief of Thomas Huggins, of Tacoma. Mr. Huggins was a lessee of the du Pont Powder Co. on certain lands near American Lake in 1906. In July and August of that year the Army carried on extensive maneuvers in that locality, necessarily working damage to considerable property. Mr. Huggins declined to sign a lease presented him by Army officers, so when the time came for settlement of damages the War Department was without authority to pay. The law does not permit payment for the use of land, except a formal lease is in existence. The matter hung on for years. Senator JONES introduced bills to provide settlement in 1913 and 1915. Finally in 1927 Mr. Huggins appealed to me, and my bill received prompt and favorable attention, with the result that payment of $750 has been authorized.

CIVIL WAR WIDOWS' PENSION INCREASED

In this Congress as in the previous one I introduced a bill to increase pensions of widows of Civil War veterans, and I am pleased to report that something has been done by Congress along this line, although the action taken is not so generous as I had hoped. For several years widows of Civil War veterans have been entitled to pensions of $30 per month, except in the case of a widow married to a soldier before the expiration of his Civil War service, in which case—since July 3, 1926—the pension is $50 per month. The bill introduced by me would have paid all Civil War widows $50 monthly pension, but the Committee on Invalid Pensions reported, both House and Senate passed, and the President approved a bill granting $40 monthly to widows reaching the age of 75 years. The $30 rate still stands for those under 75, and the $50 rate for those married before or during the Civil War.

I have always been a supporter of liberal pension legislation, as I believe this rich and powerful Government can well afford to be generous to those who have fought on the field of battle and to their dependents.

During the session just closed I have brought about enactment of nearly a score of special pension bills to take care of exceptionally worthy cases. Several of these have been for widows married since the time limit of the general law, June 27, 1905. One was for a widow whose title under the general law could not be established because of a divorce record. Another was for the helpless, speechless son of a recently deceased Civil War veteran, a well-known and highly respected citizen of Tacoma, the son having been an invalid since infancy. He is now past 50 years of age, and his pension beyond the age of 16 years could not have been provided except by special act.

It has been a pleasure to work for special pensions for Spanish War veterans and Civil War veterans and to secure results. Hundreds of these special pension bills are to my credit. Space limitation prevents enumeration. Also I have been glad to help in making compensation and hospital adjustments for World War veterans, whether from the third district or not. Successes with these alone this year run into the hundreds.

I receive, and am glad I do receive, a very heavy mail. All—on every conceivable subject—receives prompt attention. I invite letters from constituents. In handling their letters I am assisted by two faithful secretaries—P. F. Snyder and Mrs. Virginia Davis—each of whom has been with me more than 14 years. Other clerks handle the committee mail, documents, and so forth. I have on hand quantities of good farmers' bulletins on all important branches of agriculture and shall be glad to mail them out liberally. Incidentally, let me say that nearly 1,000 bills became laws during this session. If each of the 435 Members of the House and 96 Members of the Senate had passed as many as I did, the total number would have been 7,000 or more. It is not easy to pass even a little bill through both branches of Congress.

CASE OF MRS. ANNIE M. LIZENBY, OF TACOMA

The bill introduced by me for the relief of Mrs. Annie M. Lizenby, of Tacoma, unfortunately was not reached in the mass of work before the House Claims Committee during the past session, but I have the promise of Chairman CHARLES L. UNDERHILL, of that committee, that it will be put on the calendar early next winter. Mrs. Lizenby was struck down and seriously injured by an Army truck in December, 1922. The War Department ever since has disclaimed responsibility, saying that the icy streets on the day of the accident should have been roped off by the city and traffic detoured. The evidence shows, however, that the truck which struck Mrs. Lizenby was driven by an inexperienced man. I am confident that upon consideration of all the facts the Congress will not hesitate to remunerate this worthy woman, who has been so well beloved by a wide group of friends in Tacoma, and whose sufferings and privations due to the accident have been almost more than human strength could bear.

BILL FOR DAVID F. RICHARDS PASSED THE HOUSE

One of the measures that appealed to the sensibilities as well as the sympathies of the House in the last session was my bill to hold and consider David F. Richards, of Tacoma, honorably discharged from the Army. Mr. Richards, when an unsophisticated country boy of 18 years, enlisted in the Army and was sent to the Philippines. There he encountered a hard-boiled top sergeant who borrowed his money and when required to pay it back retaliated by impositions which only a "top-kick" can devise. Richards got a series of summary court-martials, and when the order came to reduce the strength of the Army he got a dishonorable discharge. The House Committee on Military Affairs, reporting my bill for his relief, said that he committed no offense serious enough in itself to warrant discharge without honor. The committee took cognizance of evidence showing the extent to which the former soldier had won the respect of his associates in civil life, gladly reported the bill, and passed it in the House. I am hopeful that it will pass the Senate and be approved by the President next session.

FEDERAL COURT BAILIFFS AND CRIERS

At the beginning of the last session my attention was called to the unfortunate situation of bailiffs and criers in the Federal courts, who, although required to be available for duty at all times, were being paid on a per diem basis and receiving a pitifully small wage. When I took the matter up with the Attorney General he expressed the opinion that the separate position of court crier ought to be abolished, and said the bailiffs should be placed on a salary basis. He called my attention to a provision in the Code of Laws of the District of Columbia authorizing appointment of deputy marshals to perform the duties of bailiffs and criers. Accordingly I introduced a bill making this change effective in respect of all Federal courts and providing salaries of $150 monthly for such deputy marshals. The matter was taken up in the Committee on the Judiciary of the House, which reported a committee bill instead of mine. It is now known as the Dyer bill and is on the calendar of the House with good prospect of enactment in the session to convene next December.

ARMY TENTS FOR CENTRALIA CONVENTION, AMERICAN LEGION

Despite objections of the War Department, the House Committee on Military Affairs reported and the House itself passed my bill to authorize a loan of tents and camp equipment to the housing committee for the American Legion convention to be held at Centralia, Wash., August 8, 9, and 10, 1928. The War Department insists that such loans ought to be made only to the national conventions of service men's organizations. The House committee expressed the opinion that such a limitation would force all State conventions to be held in the larger cities, where ample hotel accommodations are available, thus depriving the smaller cities of the inspiration which such gatherings provide. The Senate Committee on Military Affairs, however, stood with the War Department in this matter and, although Senator JONES made strong representations to members of that committee, the matter fell by the wayside. With reference to the Centralia convention, it is not out of place for me to say that the Secretary of War has promised me that airplanes from Pearson Field, Vancouver, will be in attendance, and Assistant Secretary of War F. Trubee Davison, who has charge of aviation matters, will make a strong effort to be present.

EMPLOYMENT OF AMERICAN CITIZENS ON BOULDER DAM CONSTRUCTION

Although it does not relate directly to the affairs of southwestern Washington, citizens generally will be interested in knowing that when the Boulder Canyon Dam bill passed the House of Representatives it contained an amendment presented by me reading as follows:

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.

Inasmuch as all the States in which the Boulder Canyon Dam works are to be built have laws or constitutional provisions giving preference to American citizens in employment on their public works, this amendment means that Americans will

have first call on all jobs when the construction of this great project begins. As St. Paul says:

He that provideth not for his own, and specially for those of his own house, hath denied the faith and is worse than an infidel.

Let us always provide first for Americans!

IMPORTANT IMMIGRATION LEGISLATION ENACTED

I have written and spoken so much on the subject of immigration that perhaps a reference to the subject in this extended report of local affairs will be out of place. Yet it has been my experience that people of southwestern Washington, being earnest students of national affairs, abreast of the times, and thoroughly American in their feelings, are ever ready to learn of the efforts I have made for the protection of the country through immigration restriction.

Those who have followed the subject will be gratified to know that four important measures have been put on the statute books during the past session.

IMMIGRANT INSPECTORS' SALARIES INCREASED

Although they are perhaps of equal moment, I want to mention first the bill introduced in the Senate by Senator REED of Pennsylvania and in the House by Representatives THOMAS A. JENKINS, of Ohio, increasing the pay of immigrant inspectors. These faithful servants of the Government have long been underpaid and handicapped by no uniform scheme of promotion. The Reed-Jenkins bill, to which I was glad to give much assistance in committee, on the floor, before the Bureau of the Budget, and at the White House, increases the salaries of all the lower-paid inspectors, classifies the entire inspector force, and authorizes the first promotion scheme the service has had. Further, it authorizes the payment of travel expense when an immigrant inspector is sent overseas to serve as a technical adviser at an American consulate.

I do not know of anything more important to the enforcement of immigration restriction than this. Immigrant inspectors are the real guardians of our gates. Many of them have to know several foreign languages. They have to be thoroughly acquainted with the laws, fair and courteous in their enforcement, and available for duty at all times and in all conditions of weather. It is a matter of gratification to me that at last we have been able to give them better salaries and more generous working conditions through the passage of this act.

REUNION OF IMMIGRANT FAMILIES PROVIDED FOR

Another and a most valuable enactment is the Copeland-Jenkins bill to amend the nonquota and preference provisions of the Johnson Act of 1924. Under the original statute exemption or nonquota status was available only to the wives and unmarried children under 18 years of age of citizens of the United States. Under the new law, approved by the President May 29, 1928, nonquota status is available to the American-born woman who lost her citizenship by marriage to an alien prior to September 22, 1922, if she has since been widowed; also, to the husband of an American woman citizen, if married before June 1, 1928; also, to the wife and the unmarried child under 21 years of age of an American citizen. These additional exemptions will authorize the admission of an accumulation of less than 4,000 deserving cases, and in future years will add about 1,000 annually to our immigration.

The new law further alters the preference provisions of the immigration act of 1924 and in part satisfies the clamor that has been heard for the past four years with reference to the separation of alien families. Beginning July 1, 1928, the first half of each quota will be reserved for fathers and mothers of citizens, husbands of citizens (if married after May 31, 1928), and agriculturists (from countries having quotas of more than 300). The second half of each quota will be reserved for the wives and unmarried children under 21 of aliens who have been lawfully admitted to the United States for permanent residence.

In this amendment of the preference provision a double purpose is served. First, we shorten the waiting time abroad of persons entitled to preference; second, we defer (perhaps indefinitely in some cases) those whose coming would amount to the planting of new seed in this country. Brothers, sisters, aunts, uncles, cousins, nieces, nephews, and aliens of no relationship desiring to come to the United States are set aside in favor of the wives and minor children of those already here. The whole quota, if demand therefor exists, is to be made up of those on whose account alien organizations in the United States have been setting up a cry for relief since the act of 1924 was put on the statute books.

I am sure it will be recognized immediately that the new act is a distinctly restrictionist measure. When we give preference to the wives and minor children of aliens we expedite their immigration. Once here they are not available to come in nonquota status after their husbands or fathers acquire citizenship. This means eventually a lessening of the total of nonquota admissions. Further, the deferment of brothers, sisters, and so forth, means the postponement of the day when newcomers plead for admission of another crop of wives and minor children, either as preference or nonquota cases.

A FURTHER RESTRICTION OF IMMIGRATION IS IMPERATIVE

The problem of immigration to-day is not the allocation of the European quotas, either among nationalities or among classes of relationship, but the lessening of the number of nonquota admissions. This is emphasized when we consider the thousands entering the United States across our southern border, all of whom come exempt from quota restriction. The Committee on Immigration and Naturalization of the House, of which I have been chairman more than nine years, devoted several weeks to a study of this problem, and doubtless will pursue it further hereafter. My own opinion is that sooner or later a limitation upon Western Hemisphere immigration is inevitable. The problem is to find an appropriate, fair, and equitable basis upon which to build it. In this, as in every other legislative proposition, we want to employ a rule of reason which will do no one, citizen or alien, irremediable injury, but will work to the advantage of the people of the United States, tending to homogeneity, and advancing the interests most especially of those who labor with their hands.

ADMISSION OF CANADIAN INDIANS

A third legislative accomplishment in immigration was a small bill over which there was much discussion, namely, the measure to admit in nonquota status American Indians born in Canada. When the immigration act of 1924 was passed no one dreamed that its exclusion provisions, referring to orientals, would be construed to apply to Canadian Indians. Such a construction was had, however, and remedial legislation became necessary. The crossing of the northern boundary of New York and adjoining States by these people has been thought to be a right since colonial times. It is now restored by the recent statute.

THE NATIONAL-ORIGIN PROVISION OF THE IMMIGRATION ACT OF 1924

The last immigration act to be mentioned, which was really the first to be enacted, is the resolution postponing for another year the operation of the national-origin provision of the immigration act of 1924. This is an involved and technical matter concerning which many earnest and conscientious supporters of immigration restriction are in disagreement. The House of Representatives did not favor the national-origin proposition at the outset, and, in my opinion, the House would repeal it instanter if given an opportunity. The Senate, on the other hand, has been convinced of its merit. In view of this disagreement the best that could be done was to afford the scientists of the State, Commerce, and Labor Departments another year in which to study its workings. The matter will come up again next winter. I believe that a plan can be worked out by which none of the countries whose present immigration quotas are 10,000 or less will be cut down; that immigrants from these countries, which include Sweden, Norway, Finland, Denmark, Italy, and some others, will be permitted to come as family units. This adjustment and the restriction from Mexico will round out and make complete the immigration act of 1924, which is now generally conceded to have been a great blessing to the United States.

EMERGENCY OFFICERS' RETIREMENT BILL

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for one minute.

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

There was no objection.

Mr. RANKIN. Mr. Speaker, on day before yesterday the enlisted men of the World War—those millions of brave, patriotic boys who constituted the rank and file of the American forces during that conflict—received a most cruel slap from the Congress of the United States, when it passed over the President's veto the Tyson-Fitzgerald so-called emergency officers' retirement bill, which reverses one of the most sacred and time-honored of American policies, and pensions ex-service men according to rank and not according to their disabilities.

President Coolidge is not of my political party. I differ from him on the great fundamental principles of government which separate the two major parties in America. But I must con-

fess that the American people, and especially the ex-service men, owe him a lasting debt of gratitude for his patriotic attempt, through the exercise of his veto power, to save this most sacred policy of American institutions.

The private soldier who went to war inspired by a desire to do his patriotic duty toward "making the world safe for democracy," who did not pause to ask for a commission, who was interested more in fighting for his country than he was in promoting his own personal welfare, must turn sick at heart when he realizes what this bill means to him.

By the inspired propaganda, put out by a little group of selfish ex-officers, the American Legion has been misled, the ex-service men from the rank and file have been betrayed, and Congressmen have been deceived into capitulating, surrendering their convictions, and voting for one of the most pernicious measures that a well-organized, selfish lobby has ever been enabled to place upon the statute books of this Republic.

If every Member of Congress had voted his convictions, as expressed by him in private and in the cloakroom, instead of overriding the President's veto it would have been sustained by a vote of at least three or four to one. It has been one of the saddest experiences of my official career to hear men, not just one or two, but dozens of them, admit the viciousness of this legislation, condemn it in the most positive terms, and then show their lack of moral courage to oppose it and vote their convictions on it. In the face of the record, with the facts known, we saw men vote on the floor of the House to override the veto and then walk into the cloakroom and there admit that they were ashamed of their votes.

But they gave as their reasons that they had promised somebody, sometime, somewhere, to vote for this measure, about which they admitted they had been deceived and the contents of which they did not know, until it came to the floor of the House, where for the first time the opponents of the measure were given a public hearing.

The American Legion posts with which we took this measure up and asked them to study it, discuss it, and then vote upon it, and which complied with our request, came back and repudiated it in no uncertain terms. Yet, a few alleged leaders in the Legion have brought this pressure to bear through propaganda, distorted the very fundamental purpose for which the Legion was organized, and have done the country more harm at one blow than they could do it good for the next 50 years unless they should get behind a movement to repeal this iniquitous law and restore to the statute books of this country those fundamental principles of equality and justice which have actuated and inspired our soldiers in every conflict from the beginning to the present time.

What does this bill do? It creates a military aristocracy in times of peace. It marks the beginning in America of that European autocracy which it almost exhausted the manhood and resources of the world to destroy. It gives the lie to the statement that we fought the war to make the world safe for democracy. With all of the brazen affrontery of an act of the old German Reichstag, it pensions men according to rank instead of according to disability—thus beginning a military autocracy in times of peace.

This bill was voted out of the Veterans' Affairs Committee of the House, as the record will show, by a vote of 8 to 7. One of those eight men, who cast the deciding vote, goes on the pension roll under this bill at $187.50 a month or $2,250 a year for life, although he is now drawing a salary from the Government of $10,000 a year.

Under this bill, while a private soldier with a 30 per cent disability will get $30 a month, or $360 a year so long as he can prove his disability exists—

A second lieutenant with a 30 per cent disability will get $93.75 a month, or $1,125 a year, for life, whether he recovers from his disability or not.

A first lieutenant with a 30 per cent disability will get $125 a month, or $1,500 a year, for life, whether he recovers or not.

A captain with a 30 per cent disability will get $150 a month, or $1,800 a year, for life, whether he recovers or not.

A major with a 30 per cent disability will get $187.50 a month, or $2,250 a year, for life, whether he recovers or not.

A lieutenant colonel with a 30 per cent disability will get $218.75 a month, or $2,525 a year, for life, whether he recovers or not.

A colonel with a 30 per cent disability will get $250 a month, or $3,000 a year, for life, whether he recovers or not.

A brigadier general with a 30 per cent disability will get $375 a month, or $4,500 a year, for life, whether he recovers or not.

While the enlisted man with the same disability of 30 per cent will get only $30 a month, or $360 a year, and that only as long as he can prove that his disability exists.

Read those figures to the enlisted men who sacrificed just as much, who are just as worthy, just as patriotic, just as brave, and just as intelligent as the men who secured commissions and for the pecuniary benefits of a small group of whom this unjust legislation has been enacted.

But here is the "most unkindest cut of all." It discriminates against the sacred dead, who, as Lincoln said, "gave the last full measure of devotion" upon the field of battle, or who have died since the war closed.

It ignores the widows and orphans of those officers, as well as enlisted men, who were killed at the battle front and leaves them to secure their compensations on the basis of the compensation now allowed for the dependents of enlisted men. If we are going to compensate men according to their disabilities, surely we can not justify in reason, common sense, or common honesty the pensioning of a captain at $1,800 a year, a major at $2,250 a year, or a colonel at $3,000 a year with an alleged 30 per cent disability and at the same time deny any pittance of those benefits to the widows and orphans of men of the same rank or of enlisted men who died on the firing line in France.

In order that the ex-service men who chance to read this RECORD may understand what this bill does, I am inserting a list of its beneficiaries now employed by the Veterans' Bureau, showing the salaries they are now drawing, the pensions they are receiving, and the pensions to be received by them under this bill.

I am also inserting a list of the beneficiaries in the State of Mississippi, which is typical of all the States. These lists were prepared by the Veterans' Bureau and were inserted in the CONGRESSIONAL RECORD, along with the lists of all the other States, by Senator BINGHAM, of Connecticut, himself an ex-service man of the World War and an ex-officer in the Aviation Corps.

Our Government is getting too far from the people; and unless they wake up and make their influence felt in Washington I fear that our sacred American institutions can not long endure.

All of the ex-officers of the World War are not in favor of this bill. In fact, a vast majority of them are opposed to it. Some of the best speeches made in opposition to it in the debate on the floor of the House were made by ex-officers, some of whom were wounded on the battle front. Those ex-officers who believe in the fundamental principles of Americanism and American institutions must shudder with disgust when they understand this legislation and realize that it was put over in their names. Those enlisted men who patriotically responded to the call must feel a pang of sorrowful disappointment at the treatment which they have received at the hands of the American Congress. They must derive little satisfaction indeed from a realization of the fact that they have thus been misrepresented and mistreated at the hands of the Members of Congress, who are supposed to protect them against the very violent and unjust discriminations which this bill imposes.

The widows and orphans of those who died in the cause must turn their sorrow-stricken faces to the chair made vacant by the family fireside and weep the tears of broken hearts when they come to realize that Congress has thus ignored them, discounted the sacrifices their loved ones made, repudiated the very principles for which they fought, in order to yield to the penurious demands of a small group of survivors who are already being taken care of infinitely better than are the loved ones of those heroes who made the supreme sacrifice.

Last, but not least, as I pointed out on the floor the other day, the broken-hearted mother, clothed in the weeds of mourning, who stands by the tomb of the Unknown Soldier, weeping for one who never returned but who made the supreme sacrifice in a moment of his country's peril, sorrowing for that loved one upon whose shoulders she had hoped to lean for support and protection in her declining days, must have the bitter consciousness of knowing that this Congress, in this bill, has violently discriminated against him and against her. Whether he was an officer or an enlisted man, he and his loved ones are ignored and discriminated against by the provisions of this unjust legislation.

God grant that it may be the cause of the awakening of our people, and especially of our ex-service men, to a realization of the grave dangers into which our Government is drifting, and that it may arouse them to a demand for its repeal, and bring about a revival of that spirit which has actuated them in every great crisis of our country's history, that they may redeem our endangered institutions and restore our sound American policies.

EXHIBIT

Beneficiaries of the Tyson-Fitzgerald bill employed by the Veterans' Bureau, together with their rank, salary, extent of disability, amount of monthly compensation now received, and amount of monthly compensation if Tyson-Fitzgerald bill becomes a law

Number	Name and address	Rank	Salary	Extent of disability (partial permanent)	Amount of monthly compensation	Amount of monthly compensation if Tyson-Fitzgerald bill becomes law	Yearly pension under Tyson-Fitzgerald bill
				Per cent			
165794	Ale, John H., U. S. Veterans' Bureau, regional office, Indianapolis, Ind	First lieutenant	$4,200.00	85	$85.00	$125.00	$1,500.00
1009817	Aten, Everett Maxwell, Hospital No. 103, Aspinwall, Pa	Captain	2,500.00	40	40.00	150.00	1,800.00
1264597	Barnes, Geo., Hospital No. 102, Livermore, Calif	Second lieutenant	1,680.00	35	35.00	93.75	1,125.00
293958	Bittner, Earl Robt., U. S. Veterans' Bureau, regional office, Baltimore, Md	do	2,200.00	35	35.00	93.75	1,125.00
317876	Blackburn, John D., U. S. Veterans' Bureau, regional office, Atlanta, Ga	First lieutenant	[1] 3,142.00	50	50.00	125.00	1,500.00
1271880	Borden, Archibald D., U. S. Veterans' Bureau, regional office, Los Angeles, Calif	Major	3,800.00	55	55.00	187.50	2,250.00
411008	Boyd, Benj. D., Hospital No. 91, Tuskegee, Ala	First lieutenant	3,500.00	40	40.00	125.00	1,500.00
685146	Burstein, Louis L., U. S. Veterans' Bureau, regional office, Los Angeles, Calif	do	3,800.00	63	63.00	125.00	1,500.00
1321023	Campbell, Novel W., U. S. Veterans' Bureau, regional office, San Francisco, Calif	Captain	3,800.00	40	40.00	150.00	1,800.00
479058	Carling, John, Dr., U. S. Veterans' Bureau, regional office, Los Angeles, Calif	do	5,307.00	36	50.00	150.00	1,800.00
470804	Coumbe, Arthur G., Hospital No. 55, Fort Bayard, N. Mex	Major	3,900.00	64	64.00	187.50	2,250.00
487651	Diodati, Vincent M., U. S. Veterans' Bureau, regional office, Philadelphia, Pa	Captain	4,200.00	30	30.00	150.00	1,800.00
113746	Duncan, Miles J., U. S. Veterans' Bureau, regional office, Los Angeles, Calif	do	5,007.00	75	75.00	150.00	1,800.00
1123681	Durham, R. B., U. S. Veterans' Bureau, regional office, Columbia, S. C	do	4,200.00	32	50.00	150.00	1,800.00
1275983	Earnest, F. James Mahon, Portland, Oreg	Major	4,200.00	50	50.00	187.50	2,250.00
327132	Ellis, Luther E., U. S. Veterans' Bureau, regional office, Detroit, Mich	Captain	4,200.00	(1)	100.00	150.00	1,800.00
319963	Essenson, Oscar S., U. S. Veterans' Bureau, regional office, Los Angeles, Calif	do	4,000.00	45	50.00	150.00	1,800.00
380828	Eyerle, Sema Le Clere, U. S. Veterans' Bureau, regional office, Denver, Colo	Lieutenant, U. S. N. R. F.	3,900.00	30	50.00	150.00	1,800.00
369813	Feltham, Percy M., Central Office, Washington, D. C	Captain	4,200.00	67	67.00	150.00	1,800.00
452345	Ferguson, Jo. Marvin, Hospital No. 74, Gulfport, Miss	do	6,200.00	33	33.00	150.00	1,800.00
567006	Fitzgerald, Wm. Thos., U. S. Veterans' Bureau, regional office, New York, N. Y	Second lieutenant	3,900.00	71	71.00	93.75	1,125.00
1360619	Given, Ellis E. W., U. S. Veterans' Bureau, regional office, Philadelphia, Pa	Lieutenant colonel	[1] 3,000.00	68	68.00	218.75	2,625.00
583944	Grant, Harold R., U. S. Veterans' Bureau, regional office, Detroit, Mich	First lieutenant	2,700.00	74	74.00	125.00	1,500.00
416834	Greene, Fred B., U. S. Veterans' Bureau, regional office, Portland, Oreg	Captain	2,000.00	40	40.00	150.00	1,800.00
609646	Harrison, Edmund L., U. S. Veterans' Bureau, regional office, Charleston, W. Va	First lieutenant	3,300.00	55	55.00	125.00	1,500.00
328104	Hindman, Samuel, U. S. Veterans' Bureau, regional office, Cleveland, Ohio	Captain	4,000.00	59	59.00	150.00	1,800.00
603154	Howard, John F., U. S. Veterans' Bureau, regional office, Denver, Colo	do	4,200.00	55	55.00	150.00	1,800.00
1094334	Johnson, Edwin M., U. S. Veterans' Bureau, regional office, Washington, D. C	do	4,400.00	44	44.00	150.00	1,800.00
309568	Johnson, Erik St. John, U. S. Veterans' Bureau, regional office, Boston, Mass	do	4,200.00	44	44.00	150.00	1,800.00
528515	Keeler, Claude C., Hospital No. 106, Fort Snelling, Minn	do	5,000.00	88	88.00	150.00	1,800.00
617221	Kendall, William Eugene, U. S. Veterans' Bureau, regional office, Chicago, Ill	Major	5,200.00	60	40.00	187.50	2,250.00
1090136	Lazenby, Earl K., U. S. Veterans' Bureau, regional office, Charlotte, N. C	Captain	3,918.00	40	67.00	150.00	1,800.00
318761	Loewy, Ignatz D., U. S. Veterans' Bureau, regional office, Phoenix, Ariz	Major	5,800.00	(1)	100.00	187.50	2,250.00
1230898	Maher, Harry E., U. S. Veterans' Bureau, regional office, Fargo, N. Dak	First lieutenant	2,900.00	50	50.00	125.00	1,500.00
860177	Malone, Will H., jr., U. S. Veterans' Bureau, regional office, Atlanta, Ga	do	4,200.00	61	61.00	125.00	1,500.00
472152	McCulloch, David Coyle, U. S. Veterans' Bureau, regional office, Los Angeles, Calif	Captain	4,000.00	30	50.00	150.00	1,800.00
445400	McKnight, James L., Hospital No. 51, Tucson, Ariz	First lieutentant	4,200.00	50	50.00	125.00	1,500.00
1242952	Mollison, Wm. T., U. S. Veterans' Bureau, regional office, Minneapolis, Minn	Colonel	3,000.00	31	31.00	250.00	3,000.00
364656	Newquist, Daniel C., U. S. Veterans' Bureau, regional office, Des Moines, Iowa	Captain	2,740.00	79	79.00	150.00	1,800.00
403973	Partington, Cyrus B., U. S. Veterans' Bureau, regional office, Denver, Colo	First lieutenant	4,500.00	37	50.00	125.00	1,500.00
1405707	Patton, John R., U. S. Veterans' Bureau, regional office, Boston, Mass	Captain	3,900.00	65	65.00	150.00	1,800.00
313793	Penrose, Thos. Wm., U. S. Veterans' Bureau, regional office, Philadelphia, Pa	Major	3,600.00	47	47.00	187.50	2,250.00
296969	Richeson, Austin B., U. S. Veterans' Bureau, regional office, Portland, Oreg	do	2,700.00	51	51.00	187.50	2,250.00
436813	Ruth, Lloyd A., U. S. Veterans' Bureau, regional office, Minneapolis, Minn	Second lieutenant	2,750.00	70	70.00	93.75	1,125.00
1231432	Sansing, Campbell, U. S. Veterans' Bureau, regional office, Dallas, Tex	First lieutenant	3,900.00	36	36.00	125.00	1,500.00
338718	Schwarz, Theodore E., Hospital No. 103, Aspinwall, Pa	Major	4,000.00	44	44.00	187.50	2,250.00
365002	Seibert, David A., U. S. Veterans' Bureau, regional office, Seattle, Wash	First lieutenant	3,600.00	68	68.00	125.00	1,500.00
528920	Sherry, Cameron B., U. S. Veterans' Bureau, regional office, San Antonio, Tex	Second lieutenant	3,000.00	54	54.00	93.75	1,125.00
467751	Small, John Jos., U. S. Veterans' Bureau, regional office, Philadelphia, Pa	Captain	3,600.00	70	70.00	150.00	1,800.00
223707	Smith, Dallas B., Central Office Insurance Division	Lieutenant colonel	6,000.00	56	56.00	218.75	2,625.00
313817	Steindler, Leo F., U. S. Veterans' Bureau, regional office, Baltimore, Md	Captain	3,800.00	77	77.00	150.00	1,800.00
1124621	Sullivan, Claude H., U. S. Veterans' Bureau, regional office, Charlotte, N. C	First lieutenant	4,000.00	48	48.00	125.00	1,500.00
1339479	Von Dahn, Howard C., Hospital No. 63, Lake City, Fla	Captain	6,200.00	35	35.00	150.00	1,800.00
283048	Wakefield, John D., U. S. Veterans' Bureau, regional office, Cincinnati, Ohio	do	3,900.00	35	35.00	150.00	1,500.00
274034	Weltner, Fred P., U. S. Veterans' Bureau, regional office, Charleston, W. Va	Major	[1] 2,400.00	42	42.00	187.50	2,250.00
322616	Wheeler, William D., U. S. Veterans' Bureau, regional office, Newark, N. J	Captain	2,600.00	61	61.00	150.00	1,800.00
405430	Whitledge, Herbert E., Hospital No. 79, Outwood, Ky	do	6,278.00	63	63.00	150.00	1,800.00
1069534	Woods, Phillip H., U. S. Veterans' Bureau, regional office, Philadelphia, Pa	do	4,200.00	35	35.00	150.00	1,800.00
349167	Wyatt, Frederick L., U. S. Veterans' Bureau, regional office, Birmingham, Ala. (mobile station).	do	3,200.00	60	60.00	150.00	1,800.00

[1] Partial temporary.

Beneficiaries, by States, showing names, addresses, occupations, dates of birth, extent of disability, monthly compensation now paid by the Government, and the proposed monthly payment under the passage of the Tyson-Fitzgerald bill

MISSISSIPPI

Name	Address	Occupation	Birth year	Extent of disability	Monthly compensation now paid	Proposed monthly pay under Tyson-Fitzgerald bill	Yearly pension under Tyson-Fitzgerald bill
Adams, Winfred	1110 Jackson St., Corinth, Miss	No occupation given	1888	Permanent partial, 35 per cent	$35.00	$150.00	$1,800.00
Akin, Laurence R	U. S. veterans' hospital, Gulfport, Miss	Sales clerk, heavy commodities.	1888	Permanent total	100.00	125.00	1,500.00
Austin, Barnett D	400 Elm St., Greenwood, Miss	Physician	1864	do	100.00	150.00	1,800.00
Aycock, Wm. J	Box 5, Derma, Miss	do	1888	Permanent partial, 58 per cent	58.00	125.00	1,500.00
Beams, Douglas E	210 Hunt Ave., Greenville, Miss	Lawyer	1880	Permanent total	100.00	150.00	1,800.00
Bennett, Harvey E	U. S. Veterans' Hospital No. 74, Gulfport, Miss.	Mining engineer	1886	do	100.00	125.00	1,500.00
Blank, Guy B	Red Lick, Miss	Foreman construction	1890	Permanent partial, 45 per cent	45.00	93.75	1,125.00
Burns, Joseph S	23 Orange St., Natchez, Miss	Carpenter	1877	Permanent total	100.00	187.50	2,250.00
Coker, Perry A	Brookhaven, Miss	Barber	1887	Permanent partial, 35 per cent	35.00	125.00	1,500.00
Crawley, David E	Kosciusko, Miss	Lawyer	1886	Permanent partial, 56 per cent	56.00	150.00	1,800.00
Curtis, Thomas M	600 Walnut St., Hattiesburg, Miss	Salesman	1862	Permanent partial, 65 per cent	65.00	150.00	1,800.00
Ferguson, Jo. Marvin	U. S. veterans' hospital, Gulfport, Miss	Physician	1877	Permanent partial, 33 per cent	33.00	150.00	1,800.00
Gray, Robert E	Rt. No. 2, Box 46, Gulfport, Miss	do	1880	Permanent total	100.00	125.00	1,500.00
Griffin, Garnett W	1009 33d Ave., Gulfport, Miss	Salesman, light samples	1893	Permanent partial, 56 per cent	56.00	150.00	1,800.00
Hall, Rolland D	181 Glen Mary St., Jackson, Miss	Student	1897	Permanent partial, 50 per cent	50.00	125.00	1,500.00
Hassley, Dennis	1215 Main St., Vicksburg, Miss	No occupation given	1876	Permanent total	150.00	150.00	1,800.00
Henson, Edward N	Philadelphia, Miss	Student	1893	Permanent partial, 79 per cent	79.00	125.00	1,500.00

Beneficiaries, by States, showing names, addresses, occupations, dates of birth, extent of disability, monthly compensation now paid by the Government, and the proposed monthly payment under the passage of the Tyson-Fitzgerald bill—Continued

MISSISSIPPI—continued

Name	Address	Occupation	Birth year	Extent of disability	Monthly compensation now paid	Proposed monthly pay under Tyson-Fitzgerald bill	Yearly pension under Tyson-Fitzgerald bill
Houtz, Burmond C	Canton, Miss	Not given	1895	Permanent total	$100.00	$93.75	$1,125.00
Howell, Henry	Hospital No. 74, Gulfport, Miss	No occupation	1889	do	100.00	125.00	1,500.00
Johnson, John H	Brookhaven, Miss	Physician	1856	Permanent partial, 62 per cent	62.00	187.50	2,250.00
Kellis, John H	Shuquabak, Miss	do	1892	Permanent partial, 40 per cent	40.00	125.00	1,500.00
Lofton, Albert C	Lucien, Miss	do	1878	Permanent partial, 42 per cent	42.00	125.00	1,500.00
McHenry, Wiley E	R. F. D. No. 3, Box 74, Soso, Miss	Farmer	1876	Permanent total	100.00	93.75	1,125.00
McKinley, Walter	Columbus, Miss	Physician and surgeon	1872	do	150.00	150.00	1,800.00
McVey, Eric A	Lambert, Miss	Physician	1889	Permanent partial, 50 per cent	50.00	150.00	1,800.00
Miller, Francis L	Box 192, Hattiesburg, Miss	Student	1895	Permanent partial, 64 per cent	64.00	93.75	1,125.00
Moore, John S	Magnolia, Miss	Physician, surgeon	1879	Permanent partial, 61 per cent	61.00	125.00	1,500.00
Moore, William M	604 Jackson Ave., Yazoo City, Miss	Retail dealer, general stores.	1887	Permanent partial, 75 per cent	75.00	150.00	1,800.00
Murphy, James B	U. S. Veterans' Hospital No. 74, Gulfport, Miss.	Not given	1889	Permanent total	60.00	93.75	1,125.00
Onsley, Benjamin L	Tougaloo, Miss	No occupation	1892	do	100.00	93.75	1,125.00
Powell, Henry B	Ocean Springs, Miss	Physician	1865	Permanent partial, 42 per cent	42.00	150.00	1,900.00
Roberts, Curt E	Tutwiler, Miss	Student	1895	Permanent partial, 79 per cent	79.00	93.75	1,125.00
Rolla, Oliver E	214 Morgan Lane, Pascagoula, Miss	Proprietor of barber shop	1892	Permanent partial, 34 per cent	34.00	125.00	1,500.00
Schwam, Walter M	U. S. veterans' hospital, Gulfport, Miss	Stenographer	1898	Permanent total	20.00	93.75	1,125.00
Schwartz, Grover C	Iuka, Miss	Clergyman	1886	Permanent partial, 79 per cent	79.00	125.00	1,500.00
Sellers, Wm. LeR	U. S. veterans' hospital, Gulfport, Miss	Student	1892	Permanent total	100.00	125.00	1,500.00
Varnado, Samuel R	do	No occupation	1888	do	100.00	150.00	1,900.00
Wooton, Chancellor	U. S. Veterans' Hospital No. 74, Gulfport, Miss.	Instaward sanitary inspector.	1880	do	100.00	125.00	1,500.00
Worrell, Magners L	Vicksburg, Miss	Civil engineer	1871	do	100.00	150.00	1,800.00
Yates, Riley B	Care of Milsap College, Jackson, Miss	Physician	1888	Permanent partial, 30 per cent	30.00	150.00	1,800.00

SAN FRANCISCO AND THE HETCH HETCHY

The SPEAKER pro tempore. Under the special order the gentleman from California [Mr. WELCH] is recognized for 30 minutes.

Mr. WELCH of California. Mr. Speaker and Members of the House, the city of San Francisco has recently received some unpleasant publicity and unjust criticism, due chiefly to certain public utterances of Mr. Stephen T. Mather, Director of the National Park Service, and Congressman CRAMTON, of Michigan, concerning the manner of fulfillment by the city of certain requirements of a congressional act, and referred to as the Raker Act.

The gentlemen mentioned have done San Francisco great harm by their public declaration to the effect that San Francisco has failed to live up to the obligations of the Raker Act, and both of them have intimated that unpleasant consequences are in store for the city if these obligations are not promptly carried out in accordance with their own particular ideas.

The temperamental Director of the National Park Service may be excused, as he is far from rational on many things less serious than his silly attempt to make a Coney Island joy land out of San Francisco's $120,000,000 water system.

The gentleman from Michigan [Mr. CRAMTON], at the behest of his friend, Director Mather, on Saturday last made an unjust and unwarranted attack on the city of San Francisco. Were it not for his previous record of maintaining for the rights of the people against private greed, I would be inclined to the belief that his vitriolic and unjust attack was inspired by the Hydroelectric Power Trust, that infamous "octopus," whose slimy tentacles reach into every electric-power producing stream from Maine to California.

For the purpose of making clear the circumstances leading to the passage of the Raker Act, the obligations imposed upon the city and county of San Francisco by the act, the extent to which these obligations have already been complied with by the city and county of San Francisco, and San Francisco's program for compliance with the remaining obligations, I desire to address the House on the subject.

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

The purpose of this bill was to enable San Francisco to proceed with a great water-supply and electric-power development designed to serve the fast-increasing needs of the city and such of the surrounding metropolitan area as might see fit to join with San Francisco in that development for many years into the future. This bill is commonly known as the Raker Act, after the late Congressman Raker, who introduced it on behalf of San Francisco, and it will be referred to by that name in this discussion.

The title of the act is—

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

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

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

The Hetch Hetchy grant was secured after a long-drawn-out fight between the city of San Francisco and the Hydroelectric Power Trust, fighting in the background, as it always does, and using every trick and device known to corporate greed to defeat the bill by reason of the fact that it gave to San Francisco under section 6 of the act the right to develop hydroelectric power.

In April, 1906, only a few years before the passage of the Raker Act, San Francisco was practically destroyed by earthquake and fire. An area of 5 square miles in the very heart of the city was reduced to ashes, with a property loss of hundreds of millions of dollars. This tremendous loss was largely due to an inadequate water supply. This fact was naturally disregarded by the city's adversaries, the Power Trust, who, in an attempt to break the spirit of San Francisco and send their representatives home without relief from Congress, injected into the bill most absurd restrictions and inequalities such as have never been imposed on any other American city by Congress.

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

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

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

San Francisco, under the act, is required to pay to the United States forever and a day, unless relieved by Congress, the sum

of $30,000 per year for the privilege of impounding and using water that was running unharnessed into the Pacific Ocean.

San Francisco under the Raker Act was required to build and maintain a comprehensive system of roads around and through the Hetch Hetchy Valley.

The United States Government has during the past several years appropriated nearly three-quarters of a billion dollars for highway construction. This wise and just policy was adopted to assist States and subdivision States to build just such roads as are provided for in the Raker Act. Congress has also appropriated $71,000,000 to build roads within forest reserves, such as Yosemite Valley and Hetch Hetchy Valley. The Raker Act specified that San Francisco was required to build at her own expense wagon roads and trails. Now, these self-constituted spokesmen for the Government extravagantly demand that San Francisco must shoulder the cost of building boulevards and high-class automobile roads over this extensive area.

Mr. GARBER. Mr. Speaker, will the gentleman yield there?

Mr. WELCH of California. I would rather not.

Mr. GARBER. Was not the construction and completing of the road a desirable thing?

Mr. WELCH of California. My time is limited. I shall be glad to answer questions when I have finished my statement.

In 1913, when the Raker Act was passed, automobiles were not permitted within the Yosemite National Park or the Stanislaus National Forest. San Francisco implored Congress to be allowed to develop a water-storage system in what was then a remote part of the Yosemite National Park.

Mr. CRAMTON. They were permitted in August, 1913.

Mr. WELCH of California. I said prior to August, 1913.

Mr. CRAMTON. The act was not passed until afterwards.

Mr. WELCH of California. That is a close distinction as to time.

The Hetch Hetchy Reservoir, known as the O'Shaughnessy Dam in Hetch Hetchy Valley, is approximately 38 miles from the world-famous Yosemite Valley; and prior to its development by the city of San Francisco was visited by but few people who made the arduous trip over mountain trails with saddle horses, pack horses, and mules. It was imperative for San Francisco to secure this grant in order to provide for the future growth and protection of that great seaport city, which is to-day second only to the great port of New York in foreign trade.

San Francisco in the past has been forced to loan vast sums of money collected from its taxpayers to assist the privately owned Spring Valley Water Co. to increase its water supply in order to meet growing demands for domestic water. San Francisco at a cost of several millions of dollars has installed an auxiliary salt water fire system in order to conserve our limited domestic water supply. San Francisco for years past has restricted the use of fresh water and has installed water meters in the homes and buildings of every consumer in the city.

Immediately on obtaining the rights granted by the Raker Act the city commenced work on its great project. A bond issue of $45,000,000 had been authorized by the voters of the city in 1910 and funds were available from the sale of these bonds. Surveys were completed, many miles of wagon roads and trails were constructed, a standard-gauge railroad 68 miles long was built, and a complete hydroelectric power system for the operation of construction machinery was developed. However, with the increasing difficulties of financing and later of securing labor and material, due to the World War, the progress of construction for several years was slow. This was followed later by a bond issue of $10,000,000, and on the second day of this month a further issue of $24,000,000, to complete new construction, and another of $41,000,000, to buy the Spring Valley Water Co.'s existing storage and distributing systems.

San Francisco proceeded immediately in a businesslike manner to complete first the work necessary for power development in the mountain division, which is 167 miles distant from the city, by the construction of the Hetch Hetchy Reservoir, which has been passed upon and is considered by the most eminent engineers one of the finest pieces of construction of its kind in the world.

This dam planned and built under the supervision of Mr. M. M. O'Shaughnessy, chief engineer of the city and county of San Francisco, is 334 feet high and has a present capacity of 67,000,000,000 gallons of water, equal to 206,000 acre-feet. The city plans to heighten this dam to capacity. It will then contain 113,000,000,000 gallons of water, equal to 348,000 acre-feet. Lake Eleanor, the second mountain reservoir, has a capacity of 9,000,000,000 gallons of water, or 28,000 acre-feet. The mountain division includes 93 miles of tunnels, built through solid granite, of diameters ranging from 10 feet 3 inches to 14 feet; also 73 miles of pipe with intervening small reservoirs.

San Francisco, prior to the earthquake and fire of 1906, had no bonded indebtedness and had the lowest tax rate of any large city in the United States. Since that date San Francisco has, by bond issues and direct taxation, spent over $125,000,000 in public improvements, including some of the finest school buildings in the world. San Francisco has built a city hall and civic center that has won the admiration of the world. In addition to the taxes necessitated by these great civic improvements San Francisco property holders are now paying the second highest water rate in the United States, exceeded only by the water rate in Oakland, our sister city.

San Francisco will get no immediate financial relief as a result of a municipality-owned water system obtained at the enormous cost of $120,000,000. The interest charge alone on the city's capital investment is around $5,000,000, which is approximately the amount of the gross receipts of the Spring Valley Water Co., which at present supplies the city with fresh water.

San Francisco, the richest per capita large city in the country, has been bled white industrially, largely through an inadequate water system, and was confronted with the problem of either providing a water supply for present and future needs, regardless of costs, or give notice to the world that no more people or industries could come within her gates.

The gentleman from Michigan in his castigation of our city charged that San Francisco has violated section 6 of the Raker Act and quoted the section which provides:

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

In support of the gentleman's construction of section 6 of the Raker Act he quoted Hon. James Rolph, jr., mayor of San Francisco; Hon. James D. Phelan, former mayor of San Francisco and former United States Senator; the late Hon. William Kent, former Member of Congress; Mr. Allen G. Wright, counsel for the San Francisco Chamber of Commerce; and myself when I was a member of the board of supervisors, the legislative body of the city and county of San Francisco, which resulted in the following colloquy:

> Mr. WELCH of California. Will the gentleman yield?
>
> Mr. CRAMTON. Yes.
>
> Mr. WELCH of California. I want to say that is absolutely correct, and I stand for the same principle and the same policy to-day.
>
> Mr. CRAMTON. I am very glad to know that.

And those who betrayed San Francisco's trust and were responsible for selling the power to the Pacific Gas & Electric Co., which is a part of the Hydroelectric Power Trust of the United States, were driven from office, and I took the platform and helped to drive them from office. [Applause.]

Since that time, three years ago, San Francisco has had the Pacific Gas & Electric Co. and the Great Western Power Co. before the Railroad Commission of the State of California, condemning their properties for the purpose of carrying out the provisions of the Raker Act. Ever since the defeat of these dilatory officials three years ago San Francisco has diligently and faithfully worked to effect the condemnation of the power distributing systems of both the Pacific Gas & Electric Co. and the Great Western Power Co. Hon. John J. O'Toole, city attorney of San Francisco, who is directing these condemnation proceedings, was elected on this very issue, and it is needless to say that he had my hearty support. During the past two years over 300 actual trial days have been occupied before the California Railroad Commission, taking of testimony having closed on March 15, 1928. As soon as the railroad commission fixes the valuation on the properties of these companies the question of their purchase by the city for the purpose of distributing by the city will be submitted to the people. This procedure has been stubbornly contested by the power companies, who are fighting the city every inch of the road. We have every hope that the price that the commission will decide upon will be approved by the people and the city's obligation to the Federal Government under the Raker Act fulfilled.

The gentleman from Michigan has charged that San Francisco has exceeded the authority granted it by the Raker Act in attempting to deny to campers, tourists, and fishermen the use of the storage reservoirs and the properties adjacent thereto. Let me assure the Members of the House that San Francisco

will violate neither the spirit nor the letter of the Raker Act in prohibiting the pollution of these waters now being used by hundreds of mechanics and laborers employed below the dam completing the construction of this great project.

San Francisco has lived and worked in peace and harmony with the numerous departments of the Federal Government ever since California was admitted into the Union. San Francisco, by reason of its strategic position and her great bay, is the scene of great governmental activities. Our officials and citizens have always given unstinted and hearty cooperation to every department of the Federal Government. The great Presidio Military Reservation is located entirely within our city. The children of the numerous officers and men have always enjoyed free and welcome use of our schools and public institutions. The city of San Francisco within the past year has at its own expense reconstructed main arteries of travel within the Presidio Reservation. [Applause.]

The harbor commissioners of the port of San Francisco have cooperated to the fullest extent with the Army and Navy in all their activities on the harbor front. The San Francisco Police Department cooperates whole-heartedly with the Department of Justice in the enforcement of all laws. The sheriff of San Francisco for years past has placed at the disposal of the United States marshal free use of the city's prison vans for transportation of Federal prisoners. The San Francisco Police and Fire Departments guard the United States mint and all other Federal properties with the same care as they protect their own municipal buildings. Every Federal official who has ever been stationed in San Francisco will attest the truth of these statements. [Applause.] This is the first time in the history of San Francisco that a charge has been made on the floor of Congress that San Francisco has failed to cooperate with the Federal Government.

The gentleman from Michigan visited the Hetch Hetchy Valley last summer. He saw with his own eyes the magnitude of this stupendous feat of engineering which has evoked the praises of America's foremost engineers. Yet throughout his long discourse of last Saturday we of San Francisco listened in vain for a single word of commendation, for one inkling of praise for the arduous work we have accomplished in the face of heartbreaking difficulties.

San Francisco, with an unconquerable spirit, arising from the staggering disaster of 1906, was compelled to reach up 167 miles into the Sierra Nevada Mountains for the water necessary to her very existence. Eminent foreigners, gazing upon the Hetch Hetchy Reservoir, have expressed to us their warmest sympathy and enthusiastic admiration. Yet one of our own countrymen, the gentleman from Michigan, regards it only with cynical disapproval. Though the hydroelectric "octopus" will persistently fix its envious glances upon this great fruit of our toil, the Hetch Hetchy project will stand, unconquered by corporate greed, an enduring monument to the collective effort and high ideals of a great American city. [Applause.]

"The mountain labored and brought forth a mouse." The gentleman from Michigan belabored San Francisco for one hour and five minutes and developed the fact that the chief engineer of the city of San Francisco caused an 8 by 10 poster to be placed near the Hetch Hetchy Reservoir notifying nimrods that they were not welcome.

In conclusion, I can assure the gentleman from Michigan that San Francisco will conscientiously conform to every provision of the Raker Act as construed by the Secretary of the Interior. [Applause.]

The SPEAKER pro tempore (Mr. NEWTON). The gentleman from Michigan [Mr. CRAMTON] is recognized under the special order for 10 minutes.

Mr. CRAMTON. Mr. Speaker, the other day, resulting from my responsibility in the last seven years in charge of appropriations for our national parks and the information that has come to me through the discharge of that duty, I made a speech in which I made three charges against the city of San Francisco with reference to its relation to the Raker Act concerning the Hetch Hetchy grant in the Yosemite; first, that the city of San Francisco, through its city engineer, was interfering with the administration of that great park by the Park Service and trying to stop the legitimate use of it by the public.

This notice, which the gentleman from California admits and belittles, and the accompanying press notices, if made effective, would have stopped the use of the Tuolumne watershed, at least half of the total area of the Yosemite National Park, by the public for camping and fishing, and the Raker Act was expressly meant to prevent and does prohibit San Francisco from ever doing that. That was my first charge. It stands admitted, and this thing will not be settled and San Francisco will not be on good terms with the Interior Department and the Government until the city of San Francisco ceases to interfere with the use of that park for the purposes for which it was created.

Secondly, I charged that the city of San Francisco was holding off and failing to build the roads that were expressly provided for in that act, estimated to cost $1,680,000. The gentleman admits they have not been built. In connection with the statement I then made as to the terms of the act and the assurances given Congress at the time it was enacted, I will reinforce what I presented then by inserting a letter written by the Secretary of the Interior to the city and county of San Francisco on May 18, the day before I made my address, and I had not at that time seen it. This letter contains an unanswerable statement of the obligations of the city of San Francisco under that act and an absolute demonstration of the justice of that which the Interior Department has been asking. The letter is as follows:

THE SECRETARY OF THE INTERIOR,
Washington, May 18, 1928.

The CITY AND COUNTY OF SAN FRANCISCO,
Care of the City Attorney, San Francisco, Calif.

GENTLEMEN: In response to a formal request for compliance with certain obligations imposed by the act of December 19, 1913 (38 Stat. 242), commonly known as the Raker Act, made by letter of July 7, 1927, the city attorney for the city of San Francisco, on October 13, 1927, addressed to this department a statement of the contentions of the city with respect to these obligations.

Full and careful consideration of these contentions was had by the solicitor for this department, whose views are set forth in an opinion, a copy of which is inclosed (Appendix A). These views have been approved by the department.

The conclusion has been reached that the roads and trails required to be built and maintained by the city are such as would have been required had performance of these conditions been tendered by the city in 1913. This raises the question whether the requirements stated in the letter of July 7, 1927, were of roads and trails in excess of those standards.

As stated in the solicitor's opinion, the test is not only as to the kind of roads and trails which were necessary to make Yosemite National Park easily accessible to the public visiting said park in 1913 but includes the kind and quality of roads which would have been required to meet what would then have been regarded as a reasonable future need of the public in the park.

The contention of the city that the main roads leading into the Yosemite National Park and the main roads with which the roads required to be built would connect are to determine the standard of construction required can not be accepted as correct.

Data available indicate that in 1913 the United States owned only 46 miles of road in Yosemite National Park, all of which were in the Yosemite Valley or in the Mariposa big tree grove. There were also within the park approximately 106 miles of wagon road typical mountain roads which in many instances had so fallen into disrepair as to be impassible. The Tioga Road, referred to in the letter of the city attorney, was in that condition and the Big Oak Flat Road, also mentioned, was used to some extent by park visitors, but was not in a satisfactory condition. There was also a road from Groveland via Smith Station or Hamilton to Hog Ranch, which was a typical mountain road. One of the requirements of the Raker Act was that a road be build by the city over this latter route, which requirement necessarily meant that roads of that standard were not regarded as adequate.

During September, October, and November, 1912, the road on the floor of the Yosemite Valley from Pohono Bridge to Yosemite Village was graded and macadamized near Camp Ahwahnee. This road was macadamized to a width of 22 feet and from May to July, 1913, further work was done in that vicinity, the road being macadamized to a width of 16 feet. In May, 1913, work was started toward widening the El Portal Road between El Portal and Yosemite Valley from 10 feet to 25 feet, with a driveway 18 feet in width.

Certain of the foregoing work was of an experimental nature and consisted of covering a water-bound macadam road with a 2-inch bituminous coat. Two grades of bituminous material were tried, i. e., a road oil and also pure asphaltum, the top-wearing coat being 12 feet in width.

The fact that most of the roads within the Yosemite National Park were privately owned prevented much progress until said roads could be acquired by the United States, and limited appropriations for road building also deterred rapid development of roads, the need for which was recognized prior to 1913.

All the roads in and about the park in 1913 had been built long prior to that time, and solely for horse-drawn vehicular travel. It was recognized that these roads were unsafe for automobile travel, and it was not until August, 1913, that automobiles were permitted to enter Yosemite National Park. This was permitted as the result of repeated requests by automobile associations. The State of California built

its first automobile road in 1912, and by 1913 definite progress on such roads was being made.

All these facts were known when the Raker Act was passed, and in leaving to the Secretary of the Interior the right to specify the kind of roads to be built the Congress and the city plainly intended that he should specify roads of a kind which would care for not only present but future travel within the park. It is not believed that the city intends to assert that by the provisions in the Raker Act for roads to be built by it to important points within the park, said roads to be perpetually maintained, travel by a then established and rapidly growing mode was to be excluded from those areas. The purpose of the city, as stated in its brief in sppport of the Raker Act, was to make the park readily accessible to all the people, and the city, of course, now intends to do no less than that.

The notice of July 7, 1927, contemplated roads made of crushed rock with a water-bound macadam surface of 18 feet travelable width. The maximum grade was to be 8 per cent. In the case of the road formerly the bed of the railroad built by the city it was intended that this road be surfaced with asphalt penetration macadam. Should Cherry Valley be opened in the future by a road, then a road from Lake Eleanor to Cherry Valley of the above standards will be required.

The foregoing standards are not in excess of those which in 1912 and 1913 were being considered by the United States for Yosemite National Park.

These requirements are not met by the two roads built by the city for its own use, and its contention that said roads have heretofore been approved as satisfactory in that respect is not supported by the records.

No issue is raised as to trails required to be built.

The department, in view of the foregoing, repeats its request of July 7, 1927, that roads and trails of the kind specified be constructed without delay.

Meeting the request of the city for an extended program for road building, it is concluded that the order in which this work should be carried out is as follows:

1. Construct a trail along the north side of the Hetch Hetchy Reservoir and to Tiltill Valley and Lake Vernon. This work will probably require from 9 to 12 months for completion.

2. Construct the Harden Lake Road, which reasonably might require one year's time.

3. Construct the Hetch Hetchy-Lake Eleanor road. This work may possibly require 18 months.

4. Reconstruct and surface the road from Hog Ranch to the Hetch Hetchy Dam, which will probably require 6 months' time.

The foregoing program covers a period of four years, which is the time estimated by the city as necessary to complete the project so as to place the stored waters in actual use for domestic purposes. The city, however, is annually deriving from power development, revenues estimated at an excess of $2,000,000, which revenue for any one year will more than pay the cost of the roads required by the department.

In view of the foregoing it is concluded that the request for roads and trails heretofore made is a reasonable and proper one which should be met within the time specified.

In the matter of conveying lands to the United States, the contention of the city that it is not required to convey lands acquired by it after the passage of the Raker Act is recognized as correct.

The right of the city to retain for sanitation control or any other purpose lands not actually required for the works of its project, whether adjoining the reservoirs or elsewhere, can not be recognized since the Raker Act and the circumstances under which it was adopted clearly show that all lands then owned and not so required were to be conveyed to the United States as partial consideration for the grant made to the city.

If the city now contemplates the increasing of the heights of the dams at Hetch Hetchy or Lake Eleanor, it should so state, giving information as to the probable time when such work will be done and the need for the same. If such enlargement is approved, the flow lines of the enlarged reservoirs can be readily ascertained and the quantum of upland to be conveyed to the United States can then be determined.

With the exceptions above stated as to after-acquired lands, the request for conveyances of lands, made on July 7, 1927, is hereby repeated.

The city is requested to arrange at once for compliance with the foregoing requests, which are in conformance with an opinion of the Attorney General of the United States, whose duty to enforce the provisions of the Raker Act is created by said statute, rendered under date of May 16, 1928, copy of which is herewith inclosed.

Very truly yours,

HUBERT WORK, *Secretary.*

This letter shows the kind of roads that were contemplated by the department and should have been contemplated by the city at the time the city made its pledges. That matter of roads is going to be disposed of. San Francisco will build those roads, but not gracefully, as it should have done, after it was given a grant that Julius Kahn said saved the city $20,000,000, and is now giving them $2,000,000 in revenues from power. San Francisco does not do it gracefully, but San Francisco will now do it, because the Attorney General of the United States has sustained the position of the Secretary of the Interior and there is nothing left for the city of San Francisco to do but to do what the act promised and what is again demanded in the above letter from the Secretary to the city and county of San Francisco. The importance of these roads in the desired development of Yosemite National Park is emphasized in the following extract from a statement made by Horace M. Albright, field director of the National Park Service, before the Oakdale Dinner Club, at Oakdale, Calif., Wednesday evening May 16, as reported by the Stockton (Calif.) Record of May 17. Mr. Albright said:

The Nation, as a whole, is vitally interested in the general development of Yosemite National Park from the north rim of Yosemite Valley to the south rim of the Grand Canyon of the Tuolumne River. This remarkable scenic country has been dormant for many years in a manner that has limited travel to an area unsurpassed in beauty by any other region of the park. Our major problem now facing the National Park Service is the fulfillment of the obligations of the city and county of San Francisco under the Raker Act. There is little justification for the National Park Service in the eyes of the Nation spending $1,800,000 in the reconstruction of the Big Oak Flat Road if our natural development of the entire area is limited by the refusal of San Francisco to open up one of the greatest recreational regions in the park. We can not proceed with the proposed reconstruction of the new Tioga Road, at an estimated cost of $2,000,000, when our future development program is definitely blocked by San Francisco's refusal to recognize her just obligations to build a modern connecting road from the Tioga to Hetch Hetchy or the failure to provide a high standard automobile road to the wonderful fishing grounds at Lake Eleanor.

In this connection, I feel that the people of Oakdale, Stockton, and this entire region should assist in urging San Francisco's compliance with the Raker Act. If your communities are to reap the full benefits of tourist travel to Yosemite, it should behoove you to move toward the quickest solution of the Hetch Hetchy problem that will sweep away one of the great difficulties facing the National Park Service in the rebuilding of the Bib Oak Flat Road and the whole development of the country lying between Yosemite Valley and the south bank of the Tuolumne River.

The gentleman from California began his address by an attack on Mr. Mather, Director of the National Park Service, that was entirely unworthy of the gentleman from California. Mr. Mather is one of the most generous, zealous, devoted, high-minded, and patriotic men in the Government service, but the gentleman from California saw fit to belittle him most improperly. Then, with a very limited amount of argument in his address, he began by attacking me, first charging that I spoke at the behest of some on else, and second, he did not charge—the gentleman from California knew I was on the floor of the House and Mr. Mather was not—he did not charge that I was controlled by this superhydroelectric Power Trust, but he intimated it. Well, is not that a ridiculous charge to make, in view of the fact that I voted for the Raker Act, which the gentleman himself says was fought by that Power Trust. Secondly, that I am now seeking to put an end to the unlawful contract by which the city of San Francisco has turned over to the Pacific Gas & Electric Co., which the gentleman from California himself says is a branch of that Power Trust—I am seeking to put an end to the contract between the city of San Francisco and that branch of the Power Trust by which that branch of the Power Trust gets all of the power developed at the Hetch Hetchy and resells it to the people of San Francisco at a tremendous advance. Trying to put an end to it, how is that serving the Power Trust? The gentleman is like some of these fish in the water which, when they seek to make their escape, muddy the waters, and so he seeks to divert you from the argument of the case by a suggestion entirely unworthy of him, ringing in talk of the Power Trust that no doubt does very well in San Francisco politics.

Mr. WELCH of California. Will the gentleman yield?

Mr. CRAMTON. Not for a statement, but just for a question.

Mr. WELCH of California. I desire to disabuse the gentleman's mind if possible of the idea that I had any intention of associating the gentleman with the Hydroelectric Power Trust.

Mr. CRAMTON. Then there was no occasion for the gentleman to mention me in connection with the Power Trust. The gentleman has not served here long. If the gentleman had, he would know that I do not speak or act at the behest of anyone, and if the gentleman had been long absent from the Board of Supervisors of San Francisco County he would realize that in this Hall argument instead of besmirching and questioning of methods is necessary.

Now, as to the third matter, the matter of the contract of the power company, the lady from California [Mrs. KAHN] in an admirable address the other day [applause] presented a state-

ment from the city attorney of San Francisco, Mr. O'Toole, that was of importance with reference to this issue. That telegram was as follows:

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

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

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

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

You will note the direct statement therein concerning this contract, which I charge is unlawful and voids the whole Hetch Hetchy grant:

Distribution through the agency of Pacific Gas & Electric Co. to the people in San Francisco was approved as a temporary expedient by Department of Interior in July, 1925. Immediately after this approval my office proceeded to condemn local distribution systems of Pacific Gas & Electric Co. and Great Western Power Co.

City Attorney O'Toole, who must know the facts or else he is unworthy of his office, wired to his Representative in Congress that distribution through that agency was approved as a temporary expedient by the Department of the Interior in July, 1925, and in good faith the lady from California was led to present this statement to the House.

Mrs. KAHN. Will the gentleman yield?

Mr. CRAMTON. I yield.

Mrs. KAHN. I just want to say that I presented the original telegram which I received.

Mr. CRAMTON. I have not the slightest question but what it was the telegram as sent by the city attorney of San Francisco. I have known the lady long and I know she would not have presented any statement but what she thought was 100 per cent correct.

I intimated that day that I was not sure the statement was correct as to the approval by the Department of the Interior. I brought it to the attention of the Secretary of the Interior and I have a letter which I will put in the RECORD in full, in which the Secretary makes it clear that the statement of O'Toole was an absolute falsehood. I say falsehood because under the responsibility of his position as city attorney of San Francisco he must have known the statement he made was not true. I will only quote a sentence or two of the letter, but will put the entire letter in the RECORD.

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

Mr. CRAMTON. Mr. Speaker, I will ask for five minutes more, if I may, in order to complete the statement.

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

There was no objection.

Mr. CRAMTON. This is the statement of the Secretary of the Interior:

At no time have I approved the contract referred to in the telegram. My approval was requested but I took no action either by way of approval or disapproval, desiring to have the opinion of the Attorney General before action.

Then he goes on to say that he submitted it to the Attorney General for an opinion. The Attorney General responded with the opinion I put in the RECORD the other day (CONGRESSIONAL RECORD, p. 9247) to the effect that—

It is not thought best that this department undertake to determine the legal controversy in advance should it arise.

Then the Secretary of the Interior wrote, not an approval, as Mr. O'Toole says, but a letter to the mayor of San Francisco, under date of August 19, 1925, in which the Secretary of the Interior expressly declined to express any opinion as to the legality or propriety of the contract in question; saying—

The Secretary should not act at this time, but must await such development of facts as will enable the Secretary to determine.

I am going to put both letters in the RECORD. They will fully substantiate my statement that O'Toole's statement in his telegram to the lady from California was untrue and he must have known it. The letters are as follows:

THE SECRETARY OF THE INTERIOR,
Washington, May 22, 1928.

Hon. LOUIS C. CRAMTON,
House of Representatives.

MY DEAR MR. CRAMTON: I have your letter of May 22, 1928, calling my attention to the telegram of the city attorney of San Francisco to Hon. FLORENCE P. KAHN, dated May 19, 1928, as the same appears in the CONGRESSIONAL RECORD of Saturday, May 19, 1928, page 9248, in which the following language appears:

"Distribution through the agency of Pacific Gas & Electric Co. to the people in San Francisco was approved as a temporary expedient by Department of Interior in July, 1925. Immediately after this approval my office proceeded to condemn local distribution systems of Pacific Gas & Electric Co. and Great Western Power Co. * * *"

You ask to be advised as to what action, if any, was taken by the Department of the Interior in July, 1925, or at any other time, with reference to the proposed sale of power by the city of San Francisco to the Pacific Gas & Electric Co., or to any other individual or corporation, for resale.

At no time have I approved the contract referred to in the telegram. My approval was requested, but I took no action either by way of approval or disapproval, desiring to have the opinion of the Attorney General before action.

I submitted the question whether the performance of the acts of the city and county of San Francisco under and by virtue of this agreement constitutes a violation of the so-called Raker Act, approved December 19, 1913 (38 Stat. 242), for the opinion of the Attorney General on July 20, 1925. The Attorney General rendered his opinion thereon under date of August 5, 1925, and this opinion is set out in full on pages 9246 and 9247 of the CONGRESSIONAL RECORD of Saturday, May 19, 1928.

Following the receipt by me of the opinion of the Attorney General I addressed a communication on August 19, 1925, to Hon. James Rolph, jr., mayor of San Francisco, a copy of which is hereto attached.

The contract has never been approved or disapproved by this department, and the matter stands as set forth in the letter of August 19, 1925.

Any additional information you may desire I shall be pleased to give to you upon request.

Sincerely yours,

HUBERT WORK.

THE SECRETARY OF THE INTERIOR,
Washington, August 19, 1925.

Hon. JAMES ROLPH, Jr.,
Mayor of San Francisco,
New Willard Hotel, Washington, D. C.

MY DEAR MR. MAYOR: The act approved December 19, 1913 (38 Stat. 242), does not require the Secretary of the Interior to approve or disapprove contracts such as the contract entered into between the city and county of San Francisco and the Pacific Gas & Electric Co., dated July 1, 1925.

It is the duty of the city and county of San Francisco at all times to comply with and observe on its part all the conditions specified in this act; and it is the duty of the Secretary of the Interior, in the event that the conditions specified in the act are not reasonably complied with and carried out, to report the facts, after notifying the city and county of San Francisco in writing, to the Attorney General for such suits or proceedings in the proper courts as the law and the facts in his opinion warrant. The Secretary should not act at this time, but must await such development of facts as will enable the Secretary to determine with a certainty whether or not this act is being reasonably carried out by the city and county of San Francisco.

The violation of the law, if any, is a fact evidenced by acts, and the Secretary must necessarily await a reasonable time until performance shall have indicated whether or not the acts of the parties constitute such a violation of the law as will make action on his part proper.

Very respectfully,

HUBERT WORK, *Secretary.*

Let me now suggest this for your consideration: If the city attorney of San Francisco would send a telegram to the lady from California for her to place before Congress with ref-

erence to this matter a telegram containing a deliberate misstatement of a material fact in the controversy, what confidence are we to have in the city attorney of San Francisco? What confidence shall we have in other statements he made in that telegram wherein he claimed that the city of San Francisco was proceeding in good faith to acquire a distribution system to dispose of their own power?

Mr. SCHAFER. Will the gentleman yield?

Mr. CRAMTON. I yield for a question.

Mr. SCHAFER. Perhaps, if the telegram is incorrect, it may have been through an inadvertence and not a deliberate misstatement; and perhaps the statement of the Secretary of the Interior may be just as incorrect as Mr. O'Toole's.

Mr. CRAMTON. These wanderings in the azure blue of the gentleman's mentality have nothing to do with the case. The telegram is explicit. It is a matter that should be within the personal knowledge of the city attorney of San Francisco if he is attending to his job, and the letters I insert from the Secretary of the Interior to me and to the mayor of San Francisco are so clear and positive as to leave no doubt as to the question.

Mr. SCHAFER. Will the gentleman yield for a short question?

Mr. CRAMTON. Yes; for a short question, if the gentleman has one.

Mr. SCHAFER. Has the gentleman gone down to the Interior Department and inspected all the files so he can be absolutely sure that there is no misstatement in the letter of the Secretary of the Interior?

Mr. CRAMTON. I have the letter, that is a direct and positive statement and also a copy of the letter sent to the mayor of San Francisco, which is said to be the approval but which letter itself shows was not an approval but a definite declination of any action whatever with reference to the matter.

Now, I do not want to take further time. We have important business in another part of the town to-day and I want to be there. I simply desire to close by summarizing the situation.

First. As to sanitation. San Francisco has not a scintilla of authority under the Hetch Hetchy act to administer any part of the Yosemite National Park with a view to protection of the purity of the Hetch Hetchy water. The very limited regulations mentioned in the Raker Act are to be administered by the National Park Service and not by the officials of San Francisco. And those regulations do not prohibit fishing and camping in the Tuolumne watershed, and it was the intention of Congress that they should not. It will be well if San Francisco explain to her O'Shaughnesseys and O'Tooles whose park that is anyway and that they are taking in too much territory in their posting of notices and their press releases warning the public against proper recreational use of half of one of our greatest national parks. San Francisco promised to make the Hetch Hetchy country accessible, not to make it forbidden land.

Second. The roads that San Francisco promised. Those will be built, because Congress wrote the promise in the law and the Secretary of the Interior, under advice of the Attorney General, is requiring San Francisco to keep that promise.

Third. The sale of Hetch Hetchy power to a power company for resale. Section 6 of the Raker Act expressly forbids that and provides for forfeiture of the grant. When San Francisco, in 1925, proposed to make this contract which was disapproved by Mayor Rolph, ex-Mayor Phelan, ex-Congressman Kent, and many others quoted by me in my speech of last Saturday, the Secretary of the Interior was asked to approve such sale as a "temporary expedient." He declined to do so in the letter I have presented, and said to Mayor Rolph:

> It is the duty of the city and county of San Francisco at all times to comply with and observe on its part all the conditions specified in this act; and it is the duty of the Secretary of the Interior, in the event that the conditions specified in the act are not reasonably complied with and carried out, to report the facts, after notifying the city and county of San Francisco in writing, to the Attorney General for such suits or proceedings in the proper courts as the law and the facts in his opinion warrant.

The violation of section 6 is now plain and long continued. The good faith of the officials of San Francisco in their pretended attempts to buy the Pacific Gas & Electric Co. and Great Western Power Co. plants for distribution purposes is open to serious question. Because of the proven misrepresentations by O'Toole, above set forth, I question the good faith of the entire telegram. "The conditions specified in the act are not reasonably complied with and carried out." Therefore I have suggested to the Secretary of the Interior that he call upon the Attorney General to take the proper legal steps to enforce section 6 of the Raker Act.

It is time for San Francisco to realize that the United States still owns the Yosemite National Park, intends that its people shall have unobstructed use of it all, and that the O'Shaughnessy and O'Toole policy of evasion and pretense and procrastination will not succeed.

EXHIBIT A

UNITED STATES DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SOLICITOR,
Washington, December 14, 1927.

The honorable the SECRETARY OF THE INTERIOR.

DEAR MR. SECRETARY: My opinion has been requested as to the legal correctness of contentions made by the city and county of San Francisco concerning certain of its obligations under the act of December 19, 1913 (38 Stat. 242), generally referred to as the Raker Act.

The contentions of the city and county of San Francisco, which will be hereinafter referred to merely as the city, are set forth in a letter from the city attorney, dated October 13, 1927, and are made in response to a formal request made by you on July 7, 1927, that the city at once proceed with the building of certain specified roads and trails in Yosemite National Park, in California, in compliance with paragraph (p) of section 9 of the Raker Act, and also that said city convey to the United States certain lands owned by it in the Yosemite National Park, as provided by paragraph (t) of section 9 of said act.

The letter of July 7, 1927, recited certain of the requirements of section 9 of the Raker Act, as follows:

Section 9 of the act stated:

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

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

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

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

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

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

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

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

The letter then concluded:

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

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

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

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

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

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

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

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

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

"It likewise appears that, as to the lands listed below, the grantee has for more than six months ceased 'to use such lands for the purpose of construction or repair under the provisions of this act' (the Raker Act), and hence that such lands should be conveyed to the United States, as provided by section 9 (t) of said act. The lands which appear to occupy this status are:

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

"(b) The southeast quarter of section 9.

"The south half of the northeast quarter, the south half of the northwest quarter, the north half of the southwest quarter, and the northwest quarter of the southeast quarter of section 10.

"The southwest quarter of the northwest quarter and east half of the south half of section 11.

"The northwest quarter of the northeast quarter and the northeast quarter of the northwest quarter of section 16, all in township 1 north, range 20 east.

"(c) The south half of the northeast quarter, the north half of the southeast quarter, the southeast quarter of the southeast quarter of section 34.

"The southwest quarter of the northwest quarter, the west half of the southwest quarter, and the southeast quarter of the southeast quarter of section 35.

"And all of section 36, township 2 north, range 19 east.

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

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

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

"Under authority of section 9 (t) of the act of December 19, 1913, a formal request is hereby made that 'a good and sufficient title free from all liens and incumbrances of any nature whatever' as to each of the described tracts, and any other lands occupying the same status, be conveyed to the United States.

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

In the letter of October 13, 1927, the city attorney asserts that the Director of the National Park Service appeared before the board of supervisors of the city and outlined his views as to the kinds of roads and trails which should be constructed by the city in response to the notice of July 7, 1927, and in compliance with the Raker Act. The director's position and the estimated cost of meeting his views were summarized by the city attorney as follows:

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

The letter recited that the board of supervisors disagreed with the views of the director and had referred the matter to the city attorney for negotiations with the department, and the contentions of the city were in substance as follows:

1. The city does not dissent from the requirements that it construct trails along the north side of Hetch Hetchy Reservoir and thence to Tiltill Valley and Lake Vernon.

2. The city recognizes the obligation to build roads over the routes specified in the notice of July 7, 1927, but contends:

(a) That in building roads pursuant to paragraph (p) of section 9 of the Raker Act, the city is not required to build roads of a higher standard than the main traveled roads, with which said roads to be constructed will connect, as said main roads existed or were immediately contemplated at the time of adoption of the Raker Act.

(b) That the city heretofore constructed a road from Hog Ranch to Hetch Hetchy, with a roadbed 22 feet in width and on a 4 per cent grade, at a cost of more than $200,000, which road was originally used as a railroad, but from which rails were temporarily removed, and the surface prepared for vehicular travel, with the understanding that rails might be relaid thereon, in the event of future need by the city for the railroad; that this road has been in satisfactory use, accommodating approximately 35 automobiles per day, and is in excess of the standards of the main traveled road with which it connects, and hence satisfied the requirement of the Raker Act.

(c) As to the road from Hetch Hetchy Reservoir to Lake Eleanor via McGill Meadow, the city in October, 1916, submitted to the department a map outlining the proposed road from Hetch Hetchy to Lake Eleanor, showing the alignment thereof, together with survey notes showing the proposed grades, and the department approved said map on December 30, 1926. The Lake Eleanor Road built by the city over this route was used by the city for handling approximately 6,000 tons of freight to Lake Eleanor, and its grades are superior to those of the Big Oak Flat Road, one of the main roads over which one would travel in reaching the Lake Eleanor Road. This road has been maintained by the city since its construction and was built and approved by the Secretary of the Interior, as one of the roads required to be built under the Raker Act, and the Secretary may not demand improvement of the standard of said road.

(d) The road which the notice of June 7, 1927, would require to be built from the Big Oak Flat Road past Harden Lake to the Tioga Road, is of a higher quality than either of said roads which it connects, and the most which should be asked of the city is to contribute to the cost of a road of modern standards over this route "a sum of money equivalent to the cost of constructing a road along the route indicated, of grades, width, and type of surface as existed on connecting roads at the time of adoption of the Raker Act." This cost would be about $250,000.

3. In the matter of conveying to the United States lands owned by the city and "not actually required for use under the provisions of this act," the city's position is substantially that:

(a) The city will promptly convey to the United States the 160-acre tract known as the Canyon ranch tract, and described as item (a) in the notice of July 7, 1927.

(b) The city will likewise convey to the United States all save the west 40 acres of the 160-acre tract known as the Tiltill Valley tract and described as item (f) in the notice of July 7, 1927, but contends that "the west 40 acres of this land are required for use by the city in connection with its future operations."

(c) The tracts described in items (d) and (e) of the notice of July 7, 1927, known as the McGill Meadow and Lake Vernon tracts, containing, respectively, 160 and 121.49 acres, were privately owned lands acquired by the city by deed in January, 1918, and being acquired after the approval of the Raker Act, are not lands which the city must convey under said act.

(d) The lands described in items (b) and (c) of the notice of July 7, 1927, are known, respectively, as the Hetch Hetchy and the Lake Eleanor Reservoir lands, and were acquired by the city for reservoir purposes. Part of said lands are submerged, a part of them lie between the flow line of the existing reservoirs and what will be the flow lines of the ultimate development of said reservoirs, and the remainder lie along the margins of the reservoirs, and "are required for use by the city for sanitary control of the reservoir." In view of these facts, the city contends that all of these lands are actually required for the purposes of the Raker Act, and the city is not obligated by said act to convey said lands to the United States.

4. The city further asserts that its project is far from complete; that the original appropriation of $45,000,000 for the project has been expended; and that $10,000,000 additional has been authorized, and an additional $24,000,000 must be voted this year for the project, after which possibly four years will elapse before water from the Hetch

Hetchy Valley can be brought into San Francisco. During this period the city has been and will be under a heavy burden of bond interest, and the city desires that a definite program be arranged for the performance of its obligations to the United States so that said obligations "may be carried out in such manner and at such time as will avoid at this time large capital expenditures for any roads which are not at present actually required to link up with the Federal or State road program."

Before considering the separate contentions of the city enumerated above, it is deemed advisable to set forth or state the general provisions of the Raker Act, and especially those portions relating to the Yosemite National Park.

The act of December 19, 1913, "hereby granted to the city and county of San Francisco, a municipal corporation in the State of California, all necessary right of way—width not to exceed 250 feet * * * in, over, and through the public lands * * * and through the Yosemite National Park and the Stanislaus National Forest"—

(1) "For the purpose of constructing, operating, and maintaining aqueducts, canals, ditches, pipes, pipe lines, flumes, tunnels, and conduits for conveying water for domestic purposes and uses to the city and county of San Francisco * * *."

(2) "For the purpose of constructing, operating, and maintaining power and electric plants, poles, and lines for generation and sale and distribution of electric energy * * *."

(3) "For the purpose of constructing, operating, and maintaining telephone and telegraph lines * * *."

(4) "For the purpose of constructing, operating, and maintaining roads, trails, bridges, tramways, railroads, and other means of locomotion, transportation, and communication, such as may be necessary or proper in the construction and operation of the works constructed by the grantee herein * * *."

There was also granted in said act "such lands in the Hetch Hetchy Valley and Lake Eleanor Basin within the Yosemite National Park, * * * irrespective of the width or extent of said lands, as may be determined by the Secretary of the Interior to be actually necessary for surface or underground reservoirs, diverting and storage dams; together with such lands as the Secretary of the Interior may determine to be actually necessary for power houses, and all other structures or buildings necessary or properly incident to the construction, operation, and maintenance of said water-power and electric plants, telephone and telegraph lines, and such means of locomotion, transportation, and communication as may be established * * *."

The grant was required to be accepted by the grantee within a limited time (sec. 9–s), and was to become effective upon approval by the Secretary of the Interior, of maps showing the lands acquired (sec. 2). Construction work was required to proceed with diligence, and the Secretary of the Interior was authorized to declare a forfeiture as to any unconstructed parts of the project for failure of the grantee to proceed diligently or wherever there had been a cessation of construction for a period of three consecutive years. This forfeiture was to be enforced by proceedings to be instituted by the Attorney General in the district courts for that purpose. The following conditions relating specifically to the national park were included in the grant:

Section 4 provided "that the said grantee shall conform to all regulations adopted and prescribed by the Secretary of the Interior governing the Yosemite National Park * * *"; and also required the grantee to construct and maintain bridges and other practicable crossings over its rights of way within the national park, and to fence the same if required to do so by the Secretary of the Interior, and to permit the free use by officials of the Government of any roads, trails, railroads, telephone and telegraph lines as might be constructed within said park, and further provided that all constructed works and structures "not of a temporary character shall be sightly and of suitable exterior design and finish so as to harmonize with the surrounding landscape and its use as a park; and * * * all plans * * * shall be submitted for approval to the Secretary of the Interior."

By section 5 of said act the enforcement of regulations was provided for as follows:

"That in the exercise of the rights granted by this act, the grantee shall at all times comply with the regulations herein authorized, and in the event of any material departure therefrom the Secretary of the Interior * * * may take such action as may be necessary in the courts or otherwise to enforce such regulations."

Section 7 of the act provided for annual payments to be made to the United States by the grantee in consideration for the grant, said payments to be utilized for national park purposes.

Section 9 of the act was in part as follows:

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

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

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

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

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

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

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

By paragraph (p) of section 9 the grantee undertook to build and turn over to the United States for park purposes certain roads specified therein and made the subject of the demand of July 7, 1927, as hereinbefore stated, and by paragraph (q) of said section, undertook to maintain such roads in a state of repair as good as when constructed.

By paragraph (t) of section 9, the grantee agreed to convey to the United States title to all lands in the park owned by the grantee and not used for purposes of the project.

The enforcement of the conditions of the grant was authorized in paragraph (u) of section 9, as follows:

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

Section 11 of the act declared:

"That this act is a grant upon certain express conditions specifically set forth herein, and nothing herein contained shall be construed as affecting or intending to affect or in any way to interfere with the laws of the State of California relating to the control, appropriation, use, or distribution of water used in irrigation or for municipal or other uses, or any vested right acquired thereunder, and the Secretary of the Interior, in carrying out the provisions of this act, shall proceed in conformity with the laws of said State."

The act shows on its face that it was more than a grant upon a condition subsequent. It was a contract, by and in which the United States granted the city certain rights over and to public lands within a national park, and received in return the promise of performance of certain works by the said city, subject to the direction and approval of the Secretary of the Interior and for the benefit of the United States.

The legislative history of the act confirms this and discloses that the grant and contract resulted from opposition to the granting of the rights desired by the city, as to lands within a national park, by legislators, public officials, and private parties, who believed that such a grant would impair the enjoyment of the park by the public. To meet these objections the act was made to contain many restrictions and reservations for the protection of the park not ordinarily placed upon rights of ways for reservoirs and subsidiary works over other public lands. In addition, the city agreed to build and maintain roads and make conveyance of lands owned by it in the park as consideration for the rights granted to it, and was required to accept, and by formal act did accept, the obligations provided for by the act.

The scope and purpose of the act was well stated by the then city attorney of the grantee in a brief filed in support by the then pending bill, which brief was made a part of the reports in favor of the legislation in both houses of the Congress. (H. Rept. No. 41, 63d Cong. 1st sess.; S. Rept. No. 113, 63d Cong. 1st sess.; vol. 50, pt. 6, CONGRESSIONAL RECORD, pp. 5450–5462.) The act was there described as follows:

"The United States in making this grant to the city of San Francisco is not acting in its governmental capacity or exercising governmental powers. It is acting purely as a landowner disposing of its domain upon such conditions as it sees fit to a grantee who accepts those

conditions and is bound by them as a matter of contract—not as a matter of statutory regulation."

The authority of Congress to impose the conditions made in the act was urged by the city upon authority of Gibson *v.* Chouteau (13 Wall. 92, 99), United States *v.* Gratiot (14 Pet. 526, 527), Black *v.* Elkhorn Mining Co. (163 U. S. 445, 448), Butte City Water Co. *v.* Baker (196 U. S. 119, 126), Light *v.* United States (220 U. S. 523), and such authority is not now denied by the city, which merely urges a construction of the act differing from that heretofore made by the department.

The act being in the nature of a contract, it is elementary that the intention of the parties must govern its construction, and that consideration may be given to extraneous matter to explain, but not to vary, the expressed provisions of the agreement. The same right exists as to statutes generally.

Having this view of the act as a whole, consideration will now be given to the points upon which the city and the department are at issue, as disclosed by the demand for performance of July 7, 1927, and the city's response thereto.

"1. The city contends that in building roads pursuant to paragraph (p) of section 9 of the Raker Act, the city is not required to build roads of a higher standard than the main traveled roads, with which said roads to be constructed will connect, as said main roads existed or were immediately contemplated at the time of adoption of the Raker Act."

It is provided in paragraph (p) of section 9 of the Raker Act, following the provisions therein that the city shall build the roads made the subject of the demand of July 9, 1927:

"That all trail and road building and maintenance by the said grantee in the Yosemite National Park shall be done subject to the direction and approval of the Secretary of the Interior."

The plain import of this provision is to vest in the Secretary of the Interior full authority to specify the standard of roads to be built by the city and to require that such roads be so constructed as to meet with his approval. Power to compel performance in accordance with his directions was vested in the Secretary by paragraph (u) of section 9 of the act, as follows:

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

The power to designate the standard of roads to be built by the city is plain, unambiguous, and does not conflict with other provisions of the Raker Act. Under familiar principles of statutory construction no extrinsic evidence can be considered to explain this provision. The provision being unambiguous, there is nothing to be explained.

Since, however, the act is a contract, as well as a statute, the Secretary of the Interior, in exercising the supervisory discretion which the Congress and the city agreed that he should have, may and will, of course, seek only to exact performance of the contract to a degree satisfying the intent of the grantor and the grantee existing at the time the grant and the contract were made. This intent is to be derived from circumstances existing at the time of the negotiation of the contract.

The contention of the city as to the standard of roads intended to be required of the city appears to be an inference arrived at without recourse to evidence of the circumstances surrounding the making of the contract. The legislative history of the Raker Act, however, shows what was in the minds of the grantor and grantee, as to road building, and, as in the case of memoranda preceding a formal contract, must take precedence over inferences not based upon antecedent facts. The essence of the road building to be required of the grantee city was expressed in the favorable reports of the legislative committees upon the Raker Act, heretofore referred to. The bill then under consideration became the Raker Act without change as to the road building to be required of the city. In said reports an analysis of the bill by separate sections was had, and as to section 9 it was stated in part (vol. 50, pt. 6, CONGRESSIONAL RECORD, p. 5454):

Paragraph (p), section 9, provides for the building of roads and trails in the Yosemite National Park as designated by the Secretary of the Interior.

"(The routing of these roads and trails was made by Mr. Marshall, of the Geological Survey, who surveyed the Hetch Hetchy Valley and is familiar with all the scenic and topographical conditions there. These roads will cost the city of San Francisco $500,000 to $1,000,000, and are to be turned over, free of charge, to the United States. This is one of the important considerations, and carries compensation to the Government for the rights of way granted. The construction of these roads will make the Hetch Hetchy Valley accessible and will provide a convenient and easy way for mountaineers to reach the higher parts of the Sierra. * * *)"

The brief of the city attorney for San Francisco was also set forth in this report, and the following appeared under the heading:

WHAT SAN FRANCISCO PROPOSES TO DO IN RETURN FOR THIS GRANT

* * * * * * *

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

Again in this brief it was said, under the heading:

HETCH HETCHY AND THE CONSERVATION POLICY

* * * * * * *

"A comparatively inaccessible portion of the beautiful Yosemite Park will be made easy of access to the nature-loving public."

In debates on the Hetch Hetchy bill proponents of the legislation repeatedly referred to the obligation on the grantee to build "a million dollars' worth of roads" (vol. 50, pt. 4, CONGRESSIONAL RECORD, pp. 3894, 3895, 4000, 4100), or as an obligation to build roads to make the park available for all the people for recreational purposes (vol. 50, pt. 4, CONGRESSIONAL RECORD, pp. 3896, 3890, 3898, 3969, 3982), and in some instances reference was made to roads or boulevards suitable for automobile travel (vol. 50, pt. 4, CONGRESSIONAL RECORD, p. 4111, pt. 6, p. 5467).

The road-building requirements described by Representative Raker, author of the act, were as follows:

"I want, Mr. Chairman, to call the attention of the committee further to this fact that this bill provides for roads to be built by the city and county of San Francisco, from the public highway into the valley, the Hetch Hetchy Valley. They say there is a trail around the Hetch Hetchy Valley. The city and county of San Francisco under this grant are to build the road up to the dam, around the lake, and from there north to the Tioga Road, which is a public road leading across the mountains to the State of Nevada. It will also build a trail up to the Tiltill Valley, where the city and county of San Francisco now own 160 acres of land, an ideal place for hotels and camp sites. They will build a road from there through the valley to Smiths Peak, and a trail from the main road around Hetch Hetchy on to Lake Eleanor and then to Cherry Creek. The city and county of San Francisco will keep up these roads from now until the crack of doom. To-day about 25 to 75 people per year visit the Hetch Hetchy Valley. You must go in on the trail and on burro back to get there.

"Instead of that you will have one of the scenic roads of the world built to this valley, and instead of having barren cliffs on either side you will have boulevards around this lake, so that the people may see the wonders of the Hetch Hetchy Valley and also the remainder of this territory that is in the watershed of this valley. They will make it accessible, and make accessible the Tuolumne meadows, which are about 40 miles beyond, where there are about 1,500 acres which will be accessible to campers. That part of the floor of the valley which is now owned by the city and county of San Francisco, about 780 acres in extent, could now be fenced, and the Government could be prevented from using any of that part of the floor of the valley. But instead of that they say they will build roads where people can go and see this beautiful lake, as well as the rest of the park."

Senator PITTMAN, who was in charge of the bill in the Senate, said (vol. 50, pt. 6, CONGRESSIONAL RECORD, p. 5467):

"We want that valley accessible to all people, and this bill provides that it shall be made accessible. It provides that the grantee under this bill shall build such roads and boulevards as will allow the people of all this country to get into the valley with wagons or automobiles, by foot or on horseback; to go up the boulevards to the top of those peaks, which are 8,500 feet high, drive around the border of that lake, and see all the beauties of that great national park, which to-day are reserved for those who have unlimited time and means to participate in such explorations.

"This bill provides for the building of these roads; and, mind you, not only does it provide for the building of roads, but it provides that the grantee shall pay to the Government a specific sum of money to keep these roads in eternal repair. That sum of money will eventually amount to something like a million and odd dollars, if not more. After five years they commence to donate to the Government for 10 years $15,000 a year for this work, for the next 10 years $20,000, and from that time on $30,000 a year for the purpose of keeping these roads in repair and for the purpose of keeping that park protected and in such a condition that it will be accessible to and can be enjoyed by others than mountain climbers."

* * * * * * *

"Eliminating, just for the sake of argument and for the time being, the millions of people who live around San Francisco Bay, but considering all the people of California, considering all the people of this country who have the time and the means to visit that great national park, will they be benefited or will they be injured by the work that is to take place under this bill? At the present time they can never see the Hetch Hetchy Valley; at the present time they can not make their way into any except the Yosemite Valley. When this bill becomes a

law they will have access by great boulevards to every point in that great national forest, and the Government will be given a fund, to be supplied by San Francisco, to keep up those roads and to protect that national forest against forest fires and vandalism. If that is the case, wherein is the objection? Wherein is the wrong?"

The foregoing clearly shows the intention of the parties to be that such roads were to be built over the specified routes as would make the park easily accessible to the public as a park, and for recreational purposes.

The right and duty to decide the kind of roads which should be constructed to make these parks accessible were vested by the Congress and by the city in the Secretary of the Interior.

There is nothing in the legislative history of the act which indicates that the main roads leading into the valley were then satisfactory or that they were to serve as models for the roads inside the park. On the contrary, it appears that the matter of improving the standard of the main roads referred to by the city attorney had been before Congress for a number of years and that the roads were recognized as wholly inadequate to serve the needs of the park (S. Doc. No. 155, 56th Cong., 1st sess.; S. Doc. No. 34, 58th Cong., 3d sess.), and large sums had been appropriated each year for the construction of trails and improvement of roads other than toll roads in the park. These appropriations have since 1913 continued to be made.

It also appears from Senate Resolution 275, Sixty-second Congress, second session, that the Congress, prior to the passage of the Raker Act, contemplated the improvement of existing roads or the building of new roads in national parks to accommodate motor travel. That resolution was as follows:

"*Resolved*, That the Secretary of War be, and he is hereby, directed to submit to the Senate as early as practicable an estimate of the cost of construction of new roads or changes in the present roads in the Yellowstone National Park in order to permit the use of automobiles and motor cycles therein without interfering with the present mode of travel in vehicles drawn by horses or other animals."

It also appears that automobile travel in the Yosemite National Park had been authorized prior to the passage of the Raker Act.

From the foregoing it is clear that the city undertook to build such roads over the designated routes as the United States would have built in order to make the park easily accessible to the public.

The roads were to be of a permanent character and such as would meet future as well as then existing needs. This is the import of the provision of paragraph (q) of section 9 of the act, which required the city to reimburse the United States for the actual cost of maintenance of the said roads "in a condition of repair as good as when constructed." This maintenance is a permanent obligation and requires the conclusion that in specifying the kind of roads to be built by the city the Secretary of the Interior was entitled and obligated to require roads of such permanent character and of such standards as would, when maintained as provided by the act, meet all the needs of the public in its use of the park.

The obligation to build roads as above defined had no necessary relation to the character or quality of roads in or about the park, as said roads existed in 1913. If such roads, as a matter of fact, were of such standard as met the then existing and prospective needs of the public and were such as, if extended into the park, would render the same readily accessible, then such roads might be used as models. The obligation to so use them was not imposed or implied by the act, which left that matter exclusively to the judgment and discretion of the Secretary of the Interior.

Delays have occurred in the performance of the road-building requirements of the act. The city attorney pointed out, in the letter of October 13, 1927, that the notice of July 7, 1927, was the first written or formal request for road building made upon the city, the implied contention being that such a notice was required to be given before the city was obligated to begin road construction.

The Raker Act does not require the Secretary of the Interior to make any demand or request that the city proceed with the discharge of its road-building obligations. The only language in the act with respect to written notice is in paragraph (u) of section 9, in which it is provided:

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

The requirement of a written request following a clause dealing with failure of compliance with the act by the grantee clearly relates to the matter which follows; i. e., action by the Attorney General to compel performance, and is not a necessary condition precedent to a default. This interpretation was given the act by its author in a debate in the Congress (vol. 50, pt. 4, CONGRESSIONAL RECORD, p. 406).

Although no specific time for compliance with the road-building requirements of the Raker Act were expressed, the act required the city to file maps of its project within a specified time and to carry on work with diligence, and authorized the Secretary to declare a forfeiture of the grant as to sites for unconstructed works in case of defaults which were not occasioned by matters beyond the control of the city. (Secs. 2 and 5 of act.) The act did not provide that road construction should follow construction of the city's project, and it seems certain that such road construction was regarded as a part of said project, and hence, also, was to be performed with reasonable diligence.

It is probable and, in fact, almost certain that road construction to-day will cost more than it would have in 1913, and the question arises whether the city is now entitled to object to road-building specifications on that ground.

The city's obligation was unchanging and is unchanged. It agreed to build and maintain such roads or trails as the Secretary of the Interior might prescribe. In prescribing roads the Secretary was expected to require permanent roads for present and future needs. There was no limitation as to the cost of such road building to the city. References in the Congress to roads and trails costing from one-half million to a million dollars were preliminary estimates based upon 1913 costs, and subject to the paramount obligation which was to make the park permanently accessible to the public. The specifications were left to be made by the Secretary of the Interior.

The city failed to act when it might have fulfilled its obligations at less cost than present performance will entail, but is no more entitled to insist upon partial or inadequate performance of its obligation on that ground than would any contractor who agreed to build to fixed specifications, but neglected to perform his obligation until after the costs of materials and labor rendered the obligation less profitable than he had anticipated. This case is even stronger in that the city has already acquired and enjoyed the consideration for its undertaking, and has for 14 years enjoyed the use of funds which might have been required for prompt compliance with the act.

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

The city has not contended that the requirements set forth in the notice of July 7, 1927, are for roads or trails of a standard in excess of that which might reasonably have been made in 1913 to meet the then existing and reasonably foreseen needs of the public in this park. Unless said requirements are in excess of those conditions, the demand made is clearly authorized and required by the Raker Act.

"2. That roads heretofore constructed from Hog Ranch to Hetch Hetchy Reservoir site and thence to Lake Eleanor were approved by the Secretary of the Interior before being constructed, and are sufficient compliance with the Raker Act as to roads over these routes."

The records show that these roads were built over rights of way granted pursuant to section 1 of the Raker Act as transportation roads. The rights of way were approved for that purpose, and it nowhere appears of record that your predecessors have ever regarded these roads as roads built for the use of the public. The roads were used for transporting building material and supplies to the Lake Eleanor and Hetch Hetchy Dam sites, and the city, although agreeing to the use of these roads temporarily by the public, insists upon a right to reassume full possession thereof if it decides to enlarge either of the reservoirs, to which said roads lead. The city has a present interest in the right of way, and if it desired to supply these roads in satisfaction of the requirements of section 9 of the Raker Act could only do so upon your approval of said roads for that purpose and by assigning such roads to the United States "free of cost" as required by section 7 of the act.

It also appears that in securing the right of the public to travel over these roads and in taking over the repair of the road to the Hetch Hetchy Reservoir the department expressly declared that said roads were not acceptable as in full compliance with the terms of the Raker Act.

From the matters of record it would appear that the roads heretofore constructed have never been considered or approved as meeting the ultimate obligation of the Raker Act, and I have to advise that you are entitled to require that said roads be put into such condition as to make them the kind of roads which would have been required to make the park areas easily accessible for public use as such use was required or might reasonably have been anticipated in 1913.

In this connection it may be added that, unless the city has an actual future need for these roads in connection with its project, it is obligated, under section 7 of the Raker Act, to assign said roads to the United States. If it has such need and desires ultimately to improve the roads to meet the requirements of section 9 of the act, and in compliance therewith, the matter of deferring the time for compliance with the act as to these roads is a matter within your discretion and may be allowed upon such conditions as you may prescribe.

"3. The city is not required to convey to the United States lands acquired in the Yosemite National Park after the passage of the Raker Act."

The provision in the act of December 19, 1913, is that the city shall convey "all tracts of land which are now owned by said grantee," and not actually required for use under said act.

It is clear, therefore, that the city is not bound to convey the two tracts acquired in the Yosemite National Park after December 19, 1913. Whether the city may use said lands as a part of its project without further authority from Congress is a question which need not be decided until an attempt to use said lands is made.

"4. The city is not required to convey to the United States lands adjacent to the Hetch Hetchy and Lake Eleanor Reservoirs."

The lands adjacent to the two reservoirs built by the grantee fall into two classes. First, those lands which are owned by the city and which will be flooded if and when existing dams are raised and the flow lines of the reservoirs are enlarged, and, second, lands owned by the city above any possible enlargement of the reservoir but which the city desires to retain "for sanitary control" of the reservoir.

As to lands below the flow lines of the reservoirs, as they may be enlarged by future works by the city, it is clear that no obligation exists upon the city to convey such lands to the United States. Such an obligation would arise, however, upon a denial in the manner provided by the act of any right in the city to enlarge its present reservoirs, unless the city is entitled to retain lands owned by it above the flow line of its reservoirs for sanitary control of the reservoirs.

One of the restrictions placed in the Raker Act, upon the rights of the city within the Yosemite National Park, was a set of sanitary regulations appearing at subsection (a) of section 9 of said act, as to which it was provided that: (Fifth)

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

These provisions clearly indicate that the city was to have no right to other restraints upon the public in their use of the park than were provided for in the regulations made a part of the grant. As the city undertook, by accepting the grant, to "convey to the United States any and all tracts of land now owned by said grantee within the Yosemite National Park not actually required for use under the provisions of this act"—it obligated itself to convey for the use of the public all lands above the flow line of its reservoirs not occupied by a filtration plant or other works erected by the city to purify the waters of the reservoir.

The report on the Raker bill in Congress and the statements of the proponents of the bill during its consideration all show that the city only intended to retain ownership of lands actually occupied by reservoir or subsidiary works. Illustrative of this is the statement of Representative Raker (vol. 50, pt. 4, CONGRESSIONAL RECORD, p. 3902):

"They will turn over the 160 acres of land which they now own at the Tiltill Valley for camping purposes—they will turn over the Cherry Valley in the same way, all that they do not use for reservoir purposes, and there is a good deal of it."

As the city owned only lands around Lake Eleanor, near the Cherry Valley, it is clear that the lands described in item (c) of the request of July 7, 1927, were those referred to in the above statement.

In this connection it is noted that, during the past season, the city assumed to prohibit boating and fishing in the Hetch Hetchy and Lake Eleanor Reservoirs by publishing notices to that effect. It is probable that it was asserting authority to do so on the ground heretofore asserted by the city that it owns a portion of the land beneath said reservoirs, and upon their banks. The city has also, informally, at least, opposed the establishing of camps, hotels, or cottages adjacent to these reservoirs, on the ground that such usages might pollute the city's water supply.

It is assumed that the desire of the city to retain ownership of the lands about these reservoirs is to support its policy of restricting activities of the public users of the park in and about these reservoirs.

What has heretofore been shown relative to the intent and purpose of the Raker Act discloses the fallacy of the present policy of the city, which is opposed to its promises made in the said act. The public uses of the park were to be increased by the city, and the sanitary regulations stipulated were the only restraints on account of said city which were to be imposed upon "campers, tourists, or the occupants of hotels and cottages." Even those restrictions were not required to be imposed until "the commencement of the use of any reservoirs thereby created by said grantee as a source of water supply for said grantee," which the city now asserts will be four or more years in the future.

The same is true as to fishing and boating, and it is not believed that the city has any power, either in its capacity of proprietor of part of the beds of these artificial bodies of water, or through the exercise of police power, as a municipality, to prohibit or regulate fishing or boating under such regulations as the department may prescribe. The city is an agency of the State of California and is bound by the cession of jurisdiction over the park made by the State (ch. 51, Sess. Laws 1919, p. 74) and accepted by the Congress (act of June 2, 1920, 41 Stat. 731), in which the State retained only a right to fix and collect license fees for fishing in the park, and as to which the Congress expressly placed the matter of fishing within the jurisdiction of the Secretary of the Interior.

I therefore conclude and advise that the city is required to convey to the United States all lands owned by it in the park in 1913 which are not actually flooded or used for works of the city's project, including all lands which have not been used for those purposes for more than six months past.

"5. The city's project is far from completion and the things required of the city should be arranged for in such a manner as to require only such immediate expenditures as the present needs of the park require."

This request is primarily a matter of policy, but it seems proper to point out that almost 15 years have elapsed since the city assumed the obligation to improve the Yosemite National Park; that four or more years will probably elapse before water is carried into the city; that cities whose need for water was urged as a reason for future enlargement of the present reservoirs have now secured water from other sources; that for a number of years the city has sold power developed by the project; and that the present lack of visitors in large numbers to the Hetch Hetchy Valley and to Lake Eleanor may be largely due to failure of the city to provide adequate roads, and acquiescence in the past by the department in the requests by the city that recreational activities at these reservoir sites be not encouraged.

In view of the matters it is respectfully recommended that the city be asked to submit its views as to what would constitute a reasonable program for the performance of the obligations herein defined. The city should also be required to show cause why a forfeiture should not be declared and enforced as to all rights of way, including reservoir areas which are not actually flooded and capable of being used by the city if its conduits were completed and the waters stored in the park were in actual use by its inhabitants.

Respectfully submitted.

E. O. PATTERSON, *Solicitor.*

Approved December 14, 1927.

JOHN H. EDWARDS, *Assistant Secretary.*

RELIGIOUS CENSUS

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. KVALE], under the previous order of the House, is recognized for 10 minutes.

Mr. KVALE. Mr. Speaker, we have just passed a bill providing for the taking of the fifteenth decennial census of our United States in 1930. Because the bill was brought up under suspension of House rules there was no opportunity to discuss the provisions of the bill or to offer amendments thereto.

In fact, in view of the policy laid down in the bill we passed, the amendment I had in mind might well have been ruled as not in order, for authority to select the specific questions to be included in the schedules and to define the scope of the census is left to the Director of the Bureau of the Census, subject to the approval of the Secretary of Commerce.

Evidently anticipating enactment of the bill and assuming such authority already to exist, the director has within the past few days, after conferences with his advisory commission from the American Statistical Association and the American Economic Association, delayed until a time not yet determined his decision on a large number of requests which have come to him with reference to particular questions to be included in the next census.

Among these, and, I hold, by far the most important to our Nation of any of them, is the request that the present religious statistics which are assembled be enlarged through the addition of one question. Just one question. And I want to show the House just what the addition of that one question would mean to us as a Nation, and to the accuracy and significance of the Government data on religions and the country's religious status.

PRESENT CENSUS IS INADEQUATE

Our present census aims at the collection and compilation in convenient form of all facts and figures, all statistical information that will be of value in promoting the national welfare. It provides for collection of complete data on population and distribution, on manufactures, on agriculture, on irrigation and drainage, on mines, on religious bodies. Note the last-named subject, that of religious bodies; it is just that and no more. The census covers the general adult membership in the various denominations of religions, and is secured largely through correspondence with the leaders in those denominations.

This work, it is true, covers the history, description, and statistics for each religious body that exists and operates in

this country, and yet it touches only an approximate half of the population of the Nation. And it is largely a duplication of the work that the churches themselves perform voluntarily each year. It is strictly a census of bodies and not of individuals. As such the statistics are of very limited value to the churches themselves, as well as to social and moral workers, statistical scholars, and others who seek reliable data on social and criminal problems.

The data compiled by them are valuable, and are used extensively, are quoted throughout the world. And yet the bureau's official statistics are so misleading and have such glaring omissions that their usefulness is seriously marred, and their publication places our Nation in a wrongfully unfavorable light.

COVERS ONLY HALF OF POPULATION

The statistics take no account of the millions of unchurched citizens of the United States who maintain some sort of religious affiliation and who have religious beliefs and preferences, even though they are not listed as active, supporting members of church organizations. Thus the bureau has no record of the religious character of an approximate one-half of our population. Nearly all other nations have a complete record of such information. Canada and Mexico, our nearest neighbors, have such censuses. The countries of Europe and South America almost without exception do likewise, as do Egypt, Australia, and others.

But we have an example within our own United States that may be applied. It is not generally known, perhaps, that the State of South Dakota takes a regular five-year census of its State population, and that it includes in its questionnaire just one question with reference to religion, and that is, "Church affiliation?"

Here, then, is a fair and accurate comparison between our National census and their State census, taken of the same group of peoples. Note, then, that the Federal census reported about 33 per cent of the State's population as members of some church body, and that the State's census found 75 per cent to be church people, 9 per cent not, and 16 per cent that for some reason failed to make any declaration. Distributing this 16 per cent on a proportional basis, we find that only 10.6 per cent of the population of South Dakota are not affiliated with some church, instead of the 67 per cent the Federal census statistics reported.

COMPARED WITH OTHER NATIONS

Canada conducts a similar census, and finds that her population is 98.4 per cent church affiliating, and less than 1 per cent have no religion or refuse to disclose their affiliation. Mexico, also conducting a census along such lines, finds that her population is 96.9 per cent Christian. But our United States, in its last published census reports, shows a church-affiliating citizenship of about 41 per cent of our total population. Is that a fair comparison? Certainly we should feel that there is some error in a system that permits us to be designated as a Nation so far inferior to other nations in religious progress. It does not fall far short of slander.

We need not be members of any church to recognize the indisputable fact that religion is the world's greatest moral force to-day. No one will deny that stark disaster would accompany a cessation of its influence. And yet our information on the country's religious status is woefully incomplete and unreliable. Not once in our history have the citizens been asked for a direct statement of their religious preferences, if any, so that in that way there might be made available the exact status of this activity.

At once we would have a definite basis for studies in problems that vitally affect our national welfare and progress. At present all statistics on crime, on social work, on police work, are based on estimates and on guesswork in so far as the religious influence is concerned. Church bodies would know exactly the scope of their work and the opportunities before them; and I think it may be stated that there is not one of them which would not approve this addition to our census work and sense the tremendous importance of it. Nor would we longer be cited to the world as a Nation that is only about half religious, when in reality we are a Christian Nation, and the official statistics should show it.

"CHURCH AFFILIATION" SHOULD BE ASKED

A demand should come from every intelligent citizen of the United States to the Director of the Census and the Secretary of Commerce insisting that there be embodied in the next population schedule the one question establishing the religious preference that each citizen may have. There need be no additional questions, but the one question, two words in length, will give invaluable statistics on religious affiliation by denominations and by geographical units.

This appeal, I am sure, will result in a demand almost universal if it is only brought to the attention of the church bodies at their annual conventions, and if it only reaches the attention of the students and workers in social and economic research. It is astounding that it has not been done long, long ago; and it should be made a regular part of the census work without further delay.

Is it too much to ask? In the bureau's large number of questions designed to secure information and statistics that will bring beneficial data regarding social and moral progress, regarding economic and business development, regarding industrial problems and their solution, there are many whose extent of usefulness is distinctly limited. There are many questions that serve to develop information used by a relatively small group of the population. Take, for instance, the figures and data regarding the elaborate reports for selected industries in the manufactures schedule. But not so with this one question that is proposed. It would affect everyone, and it should be all important.

When the farmer is asked perhaps 25 questions about his cows and pigs, and his farm property and livestock, might he not be asked one question that vitally affects his own community's moral progress and that of his Nation?

IS OF OUTSTANDING IMPORTANCE

When the Secretary of Commerce, Mr. Hoover, now proposes to expand the bureau's census of distribution to include an elaborate census of distribution of wholesale and retail products that will constitute perhaps the greatest commercial venture this Nation has yet undertaken, is it out of place to suggest that he might well consider the matter of one question—only one question—as to religious affiliations of the population to be of comparable importance at least?

The Director of the Census, in a letter to me dated May 5, states that—

* * * as stated at our conference * * * it would be difficult, if not impossible, for the census to include any additional inquiries on the schedule used to enumerate the population without omitting some of those that had been used at prior censuses. In my preliminary talk with the persons that are especially interested in the subjects covered by the schedule, I find that there is a great deal of opposition to the omission of any of the inquiries. * * *

If, then, this question is to be reduced arbitrarily to a simple question of choice between addition of the religious preference question and elimination of one other question—a procedure which I believe can be rightly questioned and challenged—I still insist that it can be settled on its merits, that it can not be denied that this information is of far greater importance to the Nation than some of the questions, of admitted importance and significance, that are now asked of the Nation's inhabitants; and that while the director and his advisers very naturally are reluctant to order any elimination of present questions which bring a series of comparative statistics covering the years of the censuses, this question I have herein discussed is respectfully left with them for their consideration pending their meeting next fall.

Mr. RANKIN. Will the gentleman yield?

Mr. KVALE. Certainly.

Mr. RANKIN. The gentleman did not come before the Census Committee and recommend it?

Mr. KVALE. I have conferred a number of times with the chairman of the Census Committee, the gentleman from Connecticut [Mr. FENN], but he advised me that it was a matter for the Director of the Census to take care of.

Mr. RANKIN. I am the ranking minority member on that committee and this is the first time this has been called to my attention.

Mr. KVALE. The gentleman understands my position, I am sure. I was given to understand that an amendment was not necessary; in fact, that it would not be in place.

Mr. RANKIN. I am not sure about that. We were working out a bill, and we might have had the gentleman's views written into the bill. I rather think he is right about this.

Mr. KVALE. I thank the gentleman for his opinion and I feel sure he will do his utmost to have the question I suggest embodied in the population schedule of our next census.

Mr. Speaker, no question as to the constitutionality of this proposed change can be offered in good faith by those who for some reason may oppose it. The present method is admittedly constitutional; it has been in operation for many years and has never been seriously questioned. If that is in harmony with our Constitution, then a method perfected to remove the glaring inadequacies and the misleading results arrived at in the present procedure would be by that much the more constitutional. That is perfectly apparent to any thinking man, and needs no further comment.

I suggest that all the Members of this House who are interested in the subject get in touch with the Secretary of Commerce and the Director of the Census Bureau and give them their views on the question involved. I further suggest that all the church bodies assembled in their annual conventions this year, in fact, every congregation and religious organization in our country, pass a resolution asking, nay, demanding, of the Secretary of Commerce and the Director of the Bureau of the Census that this one question be included in the next population schedule. [Applause.]

GREETINGS TO THE RURAL CARRIERS OF THE FIFTH DISTRICT OF MISSISSIPPI

Mr. RANKIN. Mr. Speaker, I ask unanimous consent that the gentleman from Mississippi [Mr. COLLINS] may be permitted to insert in the RECORD a speech he is going to make on the 30th of May at a convention of rural letter carriers at Louisville, Miss.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. COLLINS. Mr. Speaker, our present rural free-delivery system began in the year 1896 with the establishment of three insignificant routes. It differs from the system of every other country in that foreign delivery-mail systems have been bureaucratic, originating always with the post-office officials and planned on geometrical lines, measured strictly by a tapeline.

Our rural delivery of mails has come from the people themselves and its growth has been in response to petitions from them. Did you know that long before its inception the people of a certain farming community in Mississippi had developed a scheme by which all their mail was delivered to one individual who in turn delivered it to each house and took from each of his patrons any outgoing mail they might have for the postoffice? The system is one of cooperation. Your patrons are working on their side to help the Government in its undertaking by the upbuilding of poor roads, the bridging of unpassable creeks and streams, and the placing of available and appropriate mail boxes at their homes. By thus uniting for one purpose the rural-mail service has expanded almost in the twinkling of an eye until to-day there are approximately 44,370 rural routes, which serve about 7,100,000 families throughout this great land. It is hard to realize that such growth has resulted within 32 years. Uncle Sam never gave a service more appreciated by the people, to my way of thinking, nor derived greater benefits from any one thing, in proportion to the money expended. So we all have a pride and feeling of possession in the rural-delivery system. But it is you carriers who form the basis of its excellence, by keeping its wheels turning. You and your brothers of other States are carrying on in the great prairie lands of the West, in the foothills of the Alleghenies, on the ice-bound lands of the Lake Champlain region, in the sugar plantations of Louisiana, the fruit-orchard lined roads of California, and the rough mining counties of the hills.

Born under difficulties and cared for at first as an orphan "experiment," the rural mail delivery has come to be an established policy of the postal administration. You have the responsibility of seeing that the mail matter is delivered, come what may, letters that mean life and happiness, profit, and the upbuilding of commercial relations with others, and often lasting success itself to those you serve. It is certain that our people have come so to depend on this satisfying service that they would rather pay for such delivery themselves or submit to increased postal rates, if necessary, rather than be without this daily convenience.

There has always been and will always be a thrill connected with the sending and receiving of mail, and there is also an aura of romance about the carriers of these tidings of hope, and love, good luck, news of far-off loved ones, and the countless whisperings of the world. The written or spoken message brought from afar has often turned the tide of history. In the days of the Cæsars the courier afoot or on horse was eagerly looked for and looked up to; the same swift courier of news formed a part of the campaigns of Napoleon; the mail courier has ever played a vital part in the growth of white civilization. From the beginning of our country, through him, colonies were kept in close touch and harmony with each other. Then in the formative years of the country came that most picturesque mail delivery history has ever known, the Pony Express. It did not exist much over a year but served to take the mail across that 2,000 miles unpassed by any railroad, from the west coast across the desert. These riders traversed the roads lined with vast forests and plains where they could be ambushed by the road agents and the Indians of those days. They were fearless men, devoted to the one ideal, "the mails first, then the man." The best of horses were used, and every thought was toward getting the mails through. Oftentimes a rider would have given anything to be able to stop to engage in battle with attacking Indians or road agents, but the mail was first, and many a pouch of mail was delivered to the next rider by a rider mortally wounded. "Buffalo Bill" Cody was one of the most fearless of these mail riders. Over all that long distance, by means of relay riders and horses, for a year and a half the mails went through on schedule, and only one bag of mail was ever lost.

I have taken your time to recall this period in the history of mail delivery, because I feel that the same ideals and loyalty of service that distinguished those men abound in the characters of the rural free postmen of to-day. There is still a thrill about the delivery of mail, there is yet a tinge of romance to the duty of a carrier. You, too, administer unselfishly when you find distress; you surmount the difficulties of your work as you meet them. There are opportunities for the display of courage, and many heroic deeds have been done by your brotherhood. The annals of the Post Office Department show deeds of such courageous character that they rival those of any military hero. In the last several years more than a hundred men have given their lives in line of postal duty. To qualify as a rural carrier means that he is a man of stamina, of intelligence, of good health, of outstanding courage. No youth can stand the work unless he shows the makings of a real man.

In the fifth Mississippi district we do not have the rigorous storms nor the terrific snows that test the hardiest of the carriers in the cold regions, but whether or not your route uncovers danger, your work is vital and you ought to be rewarded for long service and loyalty. I am always proud to be giving aid to anything that helps you, as I am serving not only you, my friends, but the thousands in my district whom you touch.

The friends along your route look on you not only as their postman, but as a general-utility friend; and the things you have done for them, the times you have summoned a doctor, the favors that have been asked of you not always in the strict line of your duty, will all be charged up to your credit as a neighbor and will help to swell the influence you already wield. You have a responsibility to shoulder which is to "be a friend to man."

The latest speeding up of Uncle Sam's mail deliveries has brought the most modern airplane into the service, reducing again the distance from coast to coast. But let me tell you of another spectacular mail service I have heard about, not in our own land, but of a small island in the Tonga group of islands in the South Pacific. This island is completely surrounded by such dangerous coral reefs that no boat can come closer than two miles from shore. Once a month a mail boat from New Zealand appears with mail, two native postmen start swimming toward it, the leading man carrying a short stick with a cleft in the end of it. In this cleft are the outgoing letters which he drops into a bucket let down from the ship. Then a large sealed cracker box is let down in which is the in-going mail; the swimmers tow this back to shore against dangerous currents and the tide. While your job is not so "wet" as this one, from the reports I get from postal headquarters I know that the rural carriers of the fifth district are bravely breasting the breakers and making progress toward perfection in the delivery of the mail to all corners of our district.

There is a monument of stone outside the city of Los Angeles to "Snowshoe" Thompson, a rural carrier who, for 13 years, carried on his back through the snowbound passes of the Sierras the mail business of California to and from the East before the advent of any railroad through that country.

You have no stone monuments erected, and may never have, but I want to assure you that there exists one to each and every one of you in the community heart of those you serve.

EXTENSION OF REMARKS

Mr. THURSTON. Mr. Speaker, I ask unanimous consent to extend my remarks by inserting in the RECORD an article by General Richardson, of the United States Army, on the subject of Alaska, where he spent a great many years.

The SPEAKER pro tempore. Is there objection?

Mr. SCHAFER. How long is the article?

Mr. THURSTON. About 10 pages.

Mr. CRAMTON. Is it a recent article? I ask that because an article, I think by General Richardson, was inserted in the RECORD at an earlier date this session.

Mr. THURSTON. This is in January.

Mr. CRAMTON. I think it was inserted by the gentleman from Massachusetts [Mr. TREADWAY].

Mr. THURSTON. Then, Mr. Speaker, I shall withdraw my request for the present.

Mr. KIESS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an article relative

to the limitation of sugar in the Philippines prepared by Mr. Vincente Villamin, a Filipino.

The SPEAKER pro tempore. Is there objection?

Mr. SCHAFER. Mr. Speaker, I object.

WHAT IT COSTS TO RUN THE UNITED STATES GOVERNMENT

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

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. HARDY. Mr. Speaker, I propose to make a few remarks about the business side of the United States Government. I like to talk about the business side of the Government that the Congress has to do with because I think it has been well conducted.

Being a member of the Appropriations Committee, I come much in contact with the figures—the big figures—that represent the expenditures of the Government. I know the efforts this committee, led by its late lamented chairman, Mr. Madden, has made to keep the appropriations within reasonable bounds.

This great committee has never had a greater chairman than Martin B. Madden, who died at his desk April 27, 1928. He had a broad vision and understanding, and he knew the various activities and ramifications of the departments for which he was approving appropriations. Having started life as a poor immigrant boy, he knew the value of a dollar and what it would buy. Having made a notable success in big business before coming to Congress, he could understand necessities that run into millions. Mr. Madden was a hard worker; a thorough student of public affairs, sincerely patriotic, generous and kind by nature, helpful where help was deserved, but discriminating always. He never hesitated to push aside or fight his best friends who sought what he considered unnecessary appropriation. He would defend the Public Treasury with his own life, a common-enough saying, but in his case literally true, as was evidenced by his last fight on the floor of the House the day before death called him, hastened no doubt by his aggressiveness to save the Treasury in that instance. I would guess that Mr. Madden during his chairmanship of this great committee saved this country nearly, if not fully, a billion dollars through his insight and insistence upon economy and retrenchment.

Appropriation bills must originate in the House of Representatives.

All bills carrying appropriations must be considered and reported out by the House Appropriations Committee.

All bills reported out by the Appropriations Committee are passed. That sounds rather broad, but I do not recall any bills in recent years that this committee has reported out that have not passed. One or two have been temporarily held up by filibusters in the Senate, but they went through the next session. They usually go through the House very nearly as written. The Senate not infrequently adds on a few millions of dollars.

Since every bill reported out by the Appropriations Committee and practically every dollar in every bill so reported out becomes law, it may be seen how important it is to have a conservative committee that will conserve the public funds. And that you have had for 10 years.

In years past the running expenses of the Government were largely paid from a tax on tobacco, alcohol and liquors, and receipts from customs. That was before it cost a billion dollars a year to run the Government. And it was not so many years back at that.

The World War brought on big expenditures and heavy income taxes. Appropriations jumped from three-quarters of a billion dollars in 1916 to $19,000,000,000 in 1919, then back to $6,000,000,000 in 1920. They have gradually been brought down to about $4,000,000,000 per year.

For eight years the Republican Congress has been trying to bring down expenditures, cut down appropriations, reduce taxes, and pay off the public debt. Federal taxes have been reduced until they are no longer a burden to anybody, and not much paid by the average man, and the public debt has been reduced about $8,000,000,000.

Coming down from war-time expenditures has not been an easy matter. But it has been done. Three agencies have been largely responsible for bringing before the Congress a conservative financial program—the President, the Budget, and the House Appropriations Committee.

The President has set the pace and has urged the departments to economize. He has issued orders that no person employed in the Government shall urge before the Appropriations Committee greater appropriations than the Budget estimates. He has set the figure for the total year's expenditures.

The Budget has suggested how the funds may be allocated to each department and activity of the Government and come within the grand total suggested by the President.

The House Appropriations Committee has reported out and the Congress has passed bills appropriating less money than the Budget has estimated usually.

While the results have been magnificent, few applaud or seem to care.

The demand for appropriations and for new laws requiring appropriations come from many and from everywhere. Every department of the Government wants to expand. The Army and the Navy want more men, more ships, more equipment, better quarters. Every town and city wants public buildings and air mail. Every river and harbor is a possible drain on the Treasury. Every man on the public pay roll would like increased pay. And nearly everybody, everywhere, has something in his mind which he thinks the United States Government ought to buy, build, or pay for.

Every chamber of commerce, with few exceptions possibly, in the United States has indorsed one or more projects that would increase appropriations. Every organization in the United States seems to advocate the spending of public funds somewhere. Millions of dollars are spent every year through organizations, advertising, and propaganda to induce the Congress to pass, or to influence the country to demand that the Congress should pass, one thing or another that would cost much money.

Does anybody protest against any of these expensive laws or appropriations?

Not that any Congressman has heard much about.

Those interested and those who would benefit by legislation and appropriations and many of their friends write, telegraph, and show up in person to advocate their cause. But the great majority who pay the taxes say nothing.

The Appropriations Committee can report out appropriations only for functions or activities for which there is a law. It is expected to and usually does report out appropriations for governmental activities for which there is a law. It uses its judgment as to just how much to report out.

The Appropriations Committee does not initiate laws. If it puts an item in a bill for something for which there is no law, that item can be stricken out of the bill on the floor of the House on a "point of order" raised by any Member.

The Appropriations Committee is not responsible for flood control, rivers and harbors improvement, Muscle Shoals, Boulder Canyon Dam, public highways, naval expansion, adjusted compensation, or any of the many things that cost money. But if the country demands them, and if the Congress passes the laws authorizing them, then the Appropriations Committee must report out bills to cover them.

The Appropriations Committee is not responsible for the big Budget, the growing Budget of the country. The country which demands new and expensive activities and the Congress which passes the laws are responsible for that.

It is the business of this great committee to hold the appropriations for the several departments and the various Government activities down to a minimum and at the same time take care of their actual needs, and it is doing that very well.

WHAT IT COSTS TO RUN THE COUNTRY

Here is a list of appropriations made by this Congress for the fiscal year beginning July 1, 1928, and ending June 30, 1929:

For fiscal year 1929

Agricultural Department	$139,138,793.88
Interior Department	272,656,039.00
Navy Department	362,145,812.00
War Department	398,517,221.50
Treasury Department	296,392,018.00
Post Office Department	764,950,042.00
State Department	13,955,955.14
Department of Justice	26,759,342.50
Department of Commerce	38,136,960.00
Labor Department	10,968,340.00
Legislative	17,746,893.26
Executive and independent offices	527,593,111.00
District of Columbia	37,625,208.00
Deficiency bill, largely held over from last year	200,936,668.02
Second deficiency bill	146,017,757.74
Total	3,253,540,162.04

The above are the items appropriated by this session of Congress. To this must be added the permanent and indefinite appropriations which run along without Congress appropriating them every year. In this item is included the interest on public debt, regular sinking fund for the public debt, and other regular fixed charges, altogether amounting to $1,388,753,735.53. Added to the above, this will make a grand total for the cost of Government for the fiscal year of 1929 of $4,642,293,897.57.

Appropriations do not indicate the exact amounts spent. Expenditures will probably run a little less than appropriations.

The fiscal year ending June 30, 1927, has been closed up and the figures published, so we do know exactly what the Government cost that year. We know what the receipts were, and the surplus. Here is a statement for the year 1927. These figures include the Post Office Department, which is a large item.

For 1927

Total receipts	$4,812,516,429.76
Total expenditures	4,176,706,508.06
Surplus	635,809,921.70

The surplus was later applied on reduction of the public debt.

Three large items in this expenditure are Post Office Department, interest on public debt, and payment on public debt required by law. These were for 1927, as follows:

Post-office service	$712,036,704.71
Interest on public debt	831,937,700.16
Debt retirement required by law	487,376,050.50
Total	2,031,350,455.37

The Post Office Department takes care of itself pretty well, collecting for service nearly as much as it costs. The other two items are on account of the war, of course. Take these items from the total expenditures, and the total cost for all the other functions of government was $2,145,356,052.69.

HOW THE MONEY IS RAISED TO PAY THE BILLS

The receipts you read about which are required to pay the expenses of Government come from several sources. The present tariff produces over $605,000,000 a year. That is a considerable increase over the Democratic tariff of a few years ago. I figured it up once and found that the Democratic tariff for the years of 1917, 1918, and 1919 brought in in customs receipts a total of $713,633,640.

The Republican tariff law brought in in customs receipts for the years 1925, 1926, and 1927 a total of $1,733,740,000, which was something over a billion dollars more than the Democratic tariff produced for three years. Naturally, that billion dollars had the effect of reducing taxes to that extent.

The income tax last year brought in $2,224,992,800. These are the two big items of receipts.

The Appropriations Committee has nothing to do with writing the revenue laws. All bills referring to the tax question and the raising of revenue are considered by the Ways and Means Committee of the House. This is a very important committee. It is made up of 35 members, and as a rule they are the older Members of the House. Hon. CHARLES T. TIMBERLAKE, of Colorado, is a member of this committee.

This summary will show you the sources of the receipts for 1927:

Receipts for 1927

Income tax	$2,224,992,800.25
Miscellaneous internal revenue	644,421,541.56
Customs account tariff laws	605,499,983.44
Miscellaneous receipts	654,480,115.85
Postal Service	683,121,988.66
	4,812,516,429.76
Total expenditures	4,176,706,508.06
Surplus	635,809,921.70

MISCELLANEOUS INTERNAL REVENUE

Taxes raised on specific things and industries have been largely removed. A large item, that on automobiles and motor cycles, goes off this year. Here are the receipts for the principal items under this head for the year 1927:

Estates	$100,339,851.96
Spirits and liquor	21,195,551.96
Tobacco	376,170,205.04
Stamp taxes	37,345,551.43
Autos and motor cycles	66,437,881.32
Admissions to theaters, etc	17,940,636.69

ANOTHER BIG REDUCTION IN FEDERAL TAXES

You would think, with the rapidly growing country and the insistent demand of the country for increased appropriations for many and sundry things, that there would be an end to tax reduction some day—and there certainly will be some day. But the end did not come this year.

This Congress has passed a new revenue bill which cuts about $222,495,000 off the yearly taxes paid by the public.

The revenue act of 1921 reduced the annual Federal taxes by about $663,000,000. These figures are from the Treasury Department and are based on what the collections would have been had the rates and taxes not been reduced. The revenue act passed in 1924 cut off $519,000,000 from the annual collection of taxes. Again in 1926 the revenue act lowered rates and made further exemptions amounting to $422,000,000 annually.

Here is the way it looks

1921: Taxes reduced by	$663,000,000
1924: Taxes reduced by	519,000,000
1926: Taxes reduced by	422,000,000
1928: Taxes reduced by	222,000,000
Total	1,826,000,000

And this is how it works: If the laws had not been changed, reductions in rates of income tax made, and tax on items like the automobile and many other things cut off entirely; if the tax laws of January, 1921, were in force, the people would pay this year just about $1,826,000,000 more than they will have to pay. That certainly is a substantial sum saved to the people and has no doubt added much to the prosperity of the country.

The new revenue bill passed by this Congress in 1928 reduces the flat corporation taxes from 13½ to 12 per cent. This item alone cuts $123,450,000 off collection. The automobile tax is entirely removed, saving purchasers of automobiles about $66,000,000 a year. Tax cut on admissions for tickets up to $3 saves the public $17,000,000 annually. About $185,000 is cut off tax on cereal beverages and about $150,000 off druggists.

Those who patronize prize fights will pay more, rates being raised so that about $750,000 more tax will be collected, and those who buy yachts built in foreign lands will have to pay about $50,000 more in taxes.

WHO PAYS THE FEDERAL TAXES

The Federal taxes have been so reduced and exemptions extended have been so liberal, the average man pays very little of the taxes required to run the Federal Government.

The married man who earns $3,500 per year pays no income tax. If he has three children under 18 he may earn $4,700 and still pays no income tax.

For the calendar year 1924 a total of 4,489,698 persons paid income tax.

For the next year with the exemption increased under the new law only 2,501,166 persons paid income tax, paying in all $734,555,183.

Those who own stock in corporations do contribute, of course, through the corporation tax. For 1925 corporations paid $1,170,331,206.

The miscellaneous taxes used to catch a good many. Through stamp tax and penny collections here and there most people did contribute to the cost of the Government. But most of these have been removed and others reduced. The last big one to go is the tax on automobiles. This tax brought in $138,200,000 for 1926 and $66,400,000 for 1927, but it is entirely cut off by the revenue law passed by this Congress.

The tobacco tax brings in the largest sum under this head—brings in more than half of all the miscellaneous taxes. Last year tobacco users in its various forms paid $376,200,000 taxes to help run the Federal Government. This tobacco tax has always been with us and I suppose always will be. It is easily collected, and I often say that the smoker is the most cheerful taxpayer of them all; and since I have been helping to work up the appropriations bill for the United States Navy I have sometimes remarked that the smokers of the country pay enough tax to run this whole Navy Establishment, which will cost about $352,000,000 for next year.

THE SURPLUS—WHAT IT IS AND WHY

The surplus or the deficit in the Government's affairs is the difference between receipts and expenditures. For a number of years we have been collecting in more money than has been paid out. So we have been having a surplus. It has not always been that way.

I recall when I was quite a lad, back in the Cleveland administration, seeing a good deal of talk in the newspapers about this national surplus question. It seemed that Mr. Cleveland did not believe in a surplus. The tariff rates were cut, the revenues declined, and the surplus was wiped out. The result was that the National Government in times of peace had to sell bonds to meet the running expenses of the Government. This naturally brought out a big holler from business people who do not believe in that sort of thing.

The Government is just like the individual. I know men who spend more than they get. The result is that at the end of each year they have to increase the size of the mortgage on the home. I know men who never spend quite as much as they get in any one year. The result is that they are out of debt, do not pay interest, and are getting ahead in the world.

Mr. Cleveland had a deficit the last three years of his administration. And that was in peace time. The Government had a big deficit in 1918 and 1919—running up to about twenty-four billions of dollars for the two years—but that was on account of the war, of course, and could not be helped.

Mr. Harding was and Mr. Coolidge and Mr. Mellon are the sort of people who do not believe in deficits. The Republican administration started in to wipe out the deficits, to reduce running expenses, to reduce taxes, and pay off the national debt.

So whatever the income, the expenditures have been less and each year there has been a very handsome surplus. In the past eight years this surplus has amounted to over $2,692,000,000.

At the end of each year the Secretary of the Treasury has taken the amount of surplus on hand, all that could be safely spared of it, and has applied it to paying off the debt, just as any good business man would say that he ought to do.

The result is shown in the great reduction of the public debt that has been made.

Another result, too, is the fact that as the debt is reduced the interest is reduced. The interest charges which we pay out are now about $300,000,000 less than they were a few years ago.

Here is a table showing the surplus saved for each year for the past eight years:

Surplus by years

1920	$212,473,197
1921	86,723,771
1922	313,801,651
1923	309,657,460
1924	505,366,986
1925	250,505,238
1926	377,767,817
1927	635,809,922
Total	2,692,106,042

I have no doubt you will hear this surplus criticized as we go along. It is a little large. If the tax rates were on a stable thing, like real estate for instance, the rates could be reduced a little further, which would probably reduce the surplus for the next year. But the income-tax rates are based on income and profits. The country has been very prosperous for a number of years and incomes and profits have been very good and on the increase. So noticeable has this been that some of these tax-rate cuts have produced more income tax the following year—because of increased income and profits in industry and business.

A slight slowing up of industry and business with a slight falling off of income and profits would affect the amount of income tax paid materially. It is estimated that if business and industry suffered a loss of 15 per cent in profits that the income tax paid under present rates would hardly meet the requirements of the Government.

This is one of the reasons why it is not safe to cut taxes so low that there would be no surplus. A tax rate that would produce no surplus in these prosperous days would certainly leave a large deficit in ordinary times.

ANOTHER BILLION DOLLARS PAID ON NATIONAL DEBT

I like to discuss the national debt. These big figures are fascinating to me. And the progress we are making in paying off the national debt is amazing. I recall only a few years back big people were talking about the impossibility of its ever being paid off.

A Democratic United States Senator expressed the opinion that it could never be done. The Liberty bonds sold down as low as 85 cents on the dollar. There was a feeling of uncertainty about their value.

During the first session of the first Congress I attended in 1919 the debt reached its peak. It got up to $26,596,701,648 gross, or after allowing for the net balance in the general fund the net debt owed by the United States on August 31, 1919, was $25,478,592,113.25, a stupendous sum. No wonder people not familiar with big figures and not acquainted with the resources of the United States, and not accustomed to observing economical Government administration, should doubt our ability to pay.

But in less than nine years we have paid off practically a third of it. The net debt of the United States on April 30, 1928, was $17,648,741,409.94.

This shows a reduction of the debt in less than nine years of $7,829,850,708.31.

Be it far from me to intimate that my being in Congress has had a material effect upon this debt reduction. However, I do know that the Republican administration which came in after the war has been responsible for a large part of it. The country had gone through a wave of war-time extravagance. The Republican administration, the President, and the Republican Congress set about adjusting matters, reducing appropriations, cutting down taxation, and paying off the debt.

The Republican Congress has been remarkably successful in all these efforts. Appropriations have been reduced. The income tax has been cut down to a point where most people pay none and few complain. The national debt has been reduced beyond the fondest hope of the most optimistic. America has set a pace for debt reduction never before equaled by any nation.

The figures speak louder than words. So here are the figures brought up to date. They show that in the last year—the year ending April 30, 1928—more than a billion dollars was paid on the debt:

Total debt reduction

Aug. 31, 1919, net debt was	$25,478,592,113.25
Apr. 30, 1928, net debt was	17,648,741,409.94
Total debt reduction	7,829,850,703.31

Debt reduction last year

Apr. 30, 1927, net debt was	18,704,958,219.59
Apr. 30, 1928, net debt was	17,648,741,409.94
Debt paid off last year	1,056,216,809.65

FEDERAL TAXES COMING DOWN—STATE AND LOCAL GOING UP

The National Government, through the United States Congress, has made wonderful strides in tax reduction. The peak of Federal tax was in 1921, when they reached the total of $4,905,000,000. In 1926 they had come down to $3,207,000,000, a reduction of $1,698,000,000.

In 1921 the total tax raised by State and local governments was $3,933,000,000. In 1926 these State and local taxes had gone up to a total of $5,348,000,000, an increase in five years of $1,415,000,000—more than 40 per cent.

These figures are taken from report by the National Industrial Conference Board entitled "Cost of Government in the United States," issued in 1927. This book contains much of interest to any student of the tax question.

I do not complain of the States and local governments. The local taxpayer may know what he wants and be willing to pay for it. But I do commend the Congress for its economical administration of public affairs and its ability to reduce Federal taxation. And I know that the Appropriations Committee of the House of Representatives is largely responsible for the expenditure and financial program which has brought the Federal taxes down so substantially.

Here are the comparisons by years, which shows how the Federal taxes have been reduced and how the taxes by State and local governments have mounted in the past five years:

For 1921:	
Federal tax	$4,905,000,000
State and local	3,933,000,000
For 1926:	
Federal tax	3,207,000,000
State and local	5,348,000,000

Here are the figures exhibited in another way, so that you can see how the Federal taxes have come down and the State and local taxes have gone up in the past five years:

Federal taxes for:	
1921	$4,905,000,000
1926	3,207,000,000
Federal tax reduction	1,698,000,000
State and local taxes for:	
1926	5,348,000,000
1921	3,933,000,000
Increased tax	1,415,000,000

HALF THE LUXURIES OF THE WORLD ARE IN THE UNITED STATES

The United States is a mighty good country in which to live. There is none other half so good for the average man. I have traveled in probably 20 other countries in foreign lands and have observed working conditions and living standards elsewhere. I am going to give you some facts and figures about living conditions in America as compared to the rest of the world.

The population of the United States on July 1, 1928, will be a trifle over 120,000,000 people, according to an estimate of the Census Bureau. The population of the whole world is estimated in the World Almanac at 1,900,000,000 people. So the United States has about one-sixteenth of the population of the world.

I have seen boasting statements of the material wealth of the United States as compared with other nations. How it compares with the whole world I do not know. That question is not so important after all. The material wealth of a nation might be largely in the hands of a few. It is in some countries. It is to a very much larger extent in most countries than in the United States.

The standard of living is higher in the United States than in any other nation. That is plain to any man who travels or reads.

And I shall set down the proposition that while the United States has only one-sixteenth of the population of the globe, these few people, in comparison, are enjoying more of the luxur-

ies, the finer necessities, the modern conveniences of this progressive age, than are all the rest of the people of the world put together.

This does indicate something worth while. It indicates much more, I think, than a comparison of the material wealth; it indicates that wealth and opportunity is pretty well distributed among the people of this country.

Take the automobile. There were registered in 1927 in the United States of cars, trucks, and busses, 23,127,315. And in the rest of the world the total was 6,378,160. Leave out the trucks and busses and measure it on pleasure cars alone. The United States had 20,156,115 cars. All the rest of the world put together had 4,927,485. The United States has over 80 per cent of the automobiles of the world. Load them all up with people and you can carry the whole population of the United States in the cars we have and have an average of less than six persons to the car. Let the trucks follow along and they combined could carry about 75 pounds of personal baggage for every man, woman, and child in the Nation.

Now, the iron, steel, coal, railroads, and big things which are evidence of material wealth might be owned by the few, but not the automobiles. It takes many people to own and operate 20,000,000 cars. There are only about 24,000,000 families in the United States. It can readily be seen that a great proportion of these families have cars.

To me there is a big idea in these figures. They indicate to me that the United States is on an automobile standard of living. No other country is. The more prosperous countries of Europe are still on a bicycle standard of living for the great mass of workingmen. And in many of them the workingman can not afford even a bicycle. He walks.

With this automobile standard of living go many other things which were luxuries a few years ago, but are necessities in America to-day.

There is the telephone. I recall when this new thing was a luxury in the homes of the well to do. To-day it is a household necessity in America. There are in use in the United States 18,523,000 telephones, while in all the rest of the world the total is only 12,477,000.

The typewriter is an indication of business-office standards. The American business men are using 6,000,000 typewriters while only about 5,000,000 are used in all the rest of the world.

The luxury of the table might be told in terms of sugar. Sugar is not used alone. It goes with good feeding. It indicates other grocery bills. It can not be raised or made on the farm generally, but must be purchased by the money earned. Sugar can not be consumed in much larger quantities by the rich than by the fairly well-paid wage earner. John D. Rockefeller probably does not consume as much sugar as does a Washington policeman or street-car conductor. The quantity of sugar used in a country per person in that country indicates fairly accurately the table standards of that country. And fortunately we can obtain pretty reliable information about the quantity of sugar used in various lands.

The average yearly consumption of sugar per person, men, women, and children, in the United States is 110 pounds.

In the rest of the world the average is only 27 pounds.

You know something about the relative standards of wages and living conditions in other countries. Let me give you the sugar consumption of several of them just to show you how nearly it conforms to your general knowledge of these countries. Sugar used yearly per person: United States 110 pounds, Great Britain 84 pounds, Belgium 50 pounds, Germany 49 pounds, France 45 pounds, Poland 22 pounds, Italy 16 pounds, and China 3 pounds.

Surely these few brief sugar facts tell the story of the luxury of the American household table and help to show the advanced standard of living in the United States.

In education the United States outranks the whole world. There are in colleges of all kinds in the United States 1,000,000 students. In the rest of the world about 950,000. It is estimated by the Federal Bureau of Education that the people of the United States are spending more money annually on the education of their youth than is being spent by all the other nations in the world combined.

Imposing facts these when all considered together—facts that show how generally wealth, comfort, luxury, education, and opportunity are distributed among the masses of this country.

These conditions do not just happen to a nation. They do not just grow like the forest nor just come like the weather. They are brought about. America has been fortunate in its system of government and in the character of men in high places.

Much of this spread of luxury through the land—this increased spread of opportunity and high standard of living—has been brought about in the past 10 years, since the Republican Congress was elected in 1918.

I am sure that the Republican policies, a tariff for the benefit of American industry, agriculture, and labor; constant reduction of Federal taxes and the public debt; a higher standard of pay for the postal and public service; the restriction of immigration; liberal provisions for the ex-service men in distress; large appropriation for the extension of national and State highways—I am sure that these and many other wise Government policies of this Republican administration have had much to do with the happy condition America finds herself in to-day.

A SHORT HISTORY OF AN APPROPRIATION BILL

The Appropriations Committee meets in advance of the convening of Congress. It has before it the Budget recommended by the President. The Budget is reported in a big book of over 1,500 pages. It contains the items recommended for each department and activity in greatest detail.

The Appropriations Committee is made up of 35 gentlemen; 21 Republicans and 14 Democrats. The committee is divided up in subcommittees for the consideration of the different bills. There is a subcommittee in the Treasury and Post Office Departments. Subcommittee for the Interior Department, the War Department, the Navy Department, Agricultural Department, and so forth. Six gentlemen serve on the first-named and five gentlemen on each of the others.

I happen to serve on the subcommittee for the Treasury and Post Office Departments. This is the largest bill before Congress, amounting to $1,061,342,060. Also on the subcommittee for the Navy, which bill as passed amounts to $362,145,812. After handling these two big bills very intimately my personal problems of a financial nature back home seem very small indeed.

Skeleton bills are printed for each subcommittee. These bills show the Budget estimate for this year for each different item and covers many pages. They also show the amount recommended by the Budget and the amount actually appropriated by Congress for each of the preceding six years.

These different bills are referred to the appropriate subcommittees for consideration. And the subcommittees begin hearings that may cover several weeks each.

We will follow the Navy bill through. The subcommittee on the Navy is made up of five gentlemen—three Republicans and two Democrats. I will say that politics cuts little figure in this committee. Note the sections from which members of this subcommittee come—Mr. FRENCH, chairman, of Moscow, Idaho; Mr. HARDY, Canon City, Colo.; Mr. TABER, Auburn, N. Y.; Mr. AYRES, Wichita, Kans.; and Mr. OLIVER, Tuscaloosa, Ala. Not a seacoast man on the committee. Object, of course, not to have men on that committee who have local interests to consider.

The subcommittee holds hearings that usually run 6 or 8 weeks, meeting daily from 10.30 to 5 o'clock. Members must do their other work largely at night. The bill is analyzed in minutest detail. The Secretary of the Navy, the Assistant Secretary, the Chief of Operations, heads of bureaus and departments, admirals, captains, commanders, and experts in many lines come before the committee and discuss policies and operations and endeavor to justify the amounts of money estimated for their bureau, service, or activity. Experts on submarines, aircraft, ammunition storage, and many other subjects are called. No employee of the Government can ask the Congress for more money than is suggested by the Budget. He is forbidden to do so by the President. Those representing the department have to make a pretty good showing before the committee to get as much as the Budget suggests. The amounts are frequently cut down. The totals for the departments are usually cut down.

After the subcommittee has heard everybody interested a book of hearings is printed. The hearings on the Navy bill this year made 1,225 pages. It is a pretty good compendium of information relating to the Navy. Each subcommittee is working in the same way. Hearings are printed for each bill.

After the hearings are over the subcommittee takes a few days to write up the bill and arrive at the amounts it will recommend to the House. Then the bill is presented to the whole Appropriation Committee for discussion and approval. It is usually approved and reported out.

The bill then comes up in the House in its regular order. It usually requires from three to six days to pass an appropriation bill in the House. There is much debate and many speeches. Question of policy, number of men, number of ships, number and class of airplanes, pay and allowances, submarines, airplane carriers, guns, and ammunition are discussed.

Some amendments are sometimes offered on the floor, but few amendments are adopted to an appropriation bill. Practically none that the committee does not offer or approve of.

The Navy bill this year was reported out at $359,190,737. The House added $227,500 with approval of committee.

After the bill passed the House at $359,418,237 it went to the Senate. There it was studied by the committee, reported out, and passed the Senate at $363,737,017.69. The Senate had boosted the bill by $4,318,780.69.

The bill comes back to the House as amended and the House refuses to accept amendments and asks for a conference.

For several weeks the subcommittee of the Senate and subcommittee of the House meet in conference occasionally. All the different items the Senate has added are thoroughly discussed. The House accepts a few, the Senate gives up a few, and we stick for some weeks on the big ones. The question of number of men in the Navy is one of the sticking points.

The House provides for 83,250 men. The Senate wants to provide for 86,000 men. It costs upward of $1,000 per year for each man in the Navy. Here is a difference of about $2,250,000 on men alone. After many meetings and much argument an agreement is reached late in the session. Both sides give up some. The Senators agree to 84,000 men. The House conferees accept 84,000 men. The Senate bill is reduced by $1,591,205.69. The House conferees feel that they have done the best they could—that a million and a half dollars is worth saving.

The conference report is signed, reported back to both Senate and House, and adopted. Conference reports are usually adopted.

The Navy bill now stands at $362,145,812 for the coming year, is sent to the President, signed, and becomes law.

With the Post Office bill we had better luck. The subcommittee of six gentlemen wrote up the bill at $764,950,042, which was $3,100,000 less than the Budget recommended. The whole committee reported it out as written. The House passed the bill without a single change. The Senate added $36,000—small item, indeed. Bill went to conference and the conference agreed to cut the $36,000 off. Bill goes back to both Houses and is passed identically as written and originally reported by the small subcommittee of six gentlemen.

This, in brief, is the history of all appropriation bills. The bill as finally adopted reflects the calm judgment of the Bureau of the Budget, two appropriation committees, the two Houses of Congress, and is approved by the President. It is a good deal harder to get items into the appropriation bills for local benefits than it used to be. The Budget system and the big Appropriations Committee of the House are saving the country a lot of money every year.

LIQUID GOLD

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the subject of dairying, and to include also a short article written by Mr. George M. Moreland, an authority on the subject.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. RANKIN. Mr. Speaker, under the permission granted me to extend my remarks in the RECORD, I insert the following article written by Mr. George M. Moreland, which appeared in the Memphis Commercial Appeal recently, entitled Liquid gold:

LIQUID GOLD

By George M. Moreland

When the builders of Mississippi drifted westward from their ancestral homes in Virginia, the Carolinas, and Georgia, possessed of that spirit of wanderlust which has ever been a characteristic of the builders of America, they blazed a trail, known in history as the Natchez Trace, which extended diagonally across Mississippi and extended from Nashville to Natchez. It was but natural that along this early highway of the pioneers settlements would spring up as the tired journeymen, weary of their arduous trek, would find inviting locations by the roadside.

Among the undulating hills of northeastern Mississippi this trail crossed two creeks which had their source among the hills and meandered southward toward the flow of the larger Tombigbee. Only a slight ridge, or backbone, extended between the valleys of these two creeks. When the first white adventurers reached that section they found an Indian settlement upon this ridge about midway between the two creeks, where an Indian chieftain lived and kept a tavern for the entertainment of pale-faced travelers.

Travelers along this historic route not only found an Indian settlement upon this ridge, but traditions among the Indians whispered, and later authenticated history substantiated their statements, that half a century or more before the advent of the American pioneers an adventuresome army under the command of an intrepid Frenchman, Bienville, had explored the surrounding hills and fought upon that selfsame ridge a famous battle known in the history of Mississippi as the Battle of Ackia. Some historians, delving into what must always remain a mooted subject, also insist that De Soto himself marched over that ridge and among those hills when on his famous march through America.

Many of the pioneers became infatuated with this section and unloaded their packs and became the first settlers of the country. They gave a name to one of the creeks which flowed through the inviting country which had so captivated them that they abandoned all desire to reach the goal of so many of the pioneers, Natchez. They called the creek Old Town Creek, while the other creek they permitted to retain its musical Indian name, Coonewah. Nearly a century ago a treaty was signed at Pontotoc Creek, a score of miles northward, which gave the white settlers a legal right to the lands upon which they had settled and sent the Chickasaws on their pathetic journey westward.

I journeyed to that land this week in northeastern Mississippi where these hardy old pioneers settled along the hills that overlook the narrow valleys of Old Town Creek and the bewitching Coonewah. I saw the serried hillslope where the Battle of Ackia was fought and had pointed out to me the location of the Indian village, no longer in existence, where a good old squaw entertained weary and footsore travelers on their way from Nashville to Natchez. I saw historic old homes, redolent with tradition, which were built by these pioneers. This section is ablaze with legend, tradition, and beautiful local history. Old homes, old churches with the glaring tombstones of the pioneers in the churchyards, and other evidences of a land of beautiful traditions I saw upon all sides of me. A battle field where America's manhood was matched in martial array is a hallowed part of the historic background of this interesting section.

Within the heart of this inveigling and historic land, close to the flow of Old Town Creek, with the prattling Coonewah just over the ridge of hills, sits now a beautiful city, built by the industry, intrepidity, and genius of the pioneers themselves and their children who inherited all the virtues brought to Mississippi by their fathers when Mississippi was in the building.

Although not the largest city in Mississippi, there are probably few other municipalities within the borders of the State more widely or more favorably known than this city which sits like a queen upon a regal throne in this inveigling land of tradition and history.

I have been told that half-forgotten traditions and local annals can mean but little in this modern day of hurry and frenzied excitement. I think I understand why this progressive city of which I write has attained to the crowning glory of being one of the most prosperous sections of the Magnolia State, because I know the local traditions and am familiar with the heroic stories of the intrepid pioneers who settled in this beautiful section.

Tupelo! There is music in the very word, and progress seems to echo in the air when the name of this unusual little city is mentioned. I love to write of history. It has been a sore temptation to me to launch into a dissertation on the infatuating and glorious local history of this wonderful section. How much richer and how much more alluring is the enthralling local annals of Mississippi that the annals of the country surrounding Tupelo are a part of it! But sorely as I am tempted to do so this will not be a story of local annals, legends, or traditions, much as I would delight to write them.

I expect there are more people in these United States who know there is a county in Mississippi named Lee than there are people who could name any other county of the Magnolia State. And why? There are other counties in Mississippi with more fertile lands. That fact the people of Lee County themselves will frankly admit. It is not a large county. Only one other county of the State is smaller than Lee, yet it is a famous county.

In recent years newspapers, farm journals, and magazines have carried salutary stories of the progress of Lee County. I have heard of that progress myself and it was therefore with interest that I journeyed toward Lee County. I wanted to see all this progress within the bounds of Lee of which I had been reading. I not only wanted to see it, but I wanted to ascertain why Lee County should attain to such public notice—to see why and how the thing was done. I always like to learn the "why" of the things that I see as well as to learn that the things are so.

I came to Lee County with unprejudiced eyes. Although I spent my youth within sight of its borders I journeyed to Tupelo with but one resolve. Reports have stated that the people of Lee County are prosperous—that they have become prosperous because they learned the secret of extracting a kind of "liquid gold" from the tender grasses that grow upon the sun-kissed hillslopes that overlook the meanderings of Old Town Creek and the rollicking Coonewah. Strange contrast that! In 1849 adventurers journeyed across mountain tops, desert wastes, and savage-infested lands to search for gold along the banks of the San Joaquin and the petulant Sacramento. These Lee County farmers, secure in their own comfortable homes, evolved a plan to extract liquid gold from the pasture lands of their own farms by using gentle and meek-eyed Jersey cows instead of shovels and spades as their tools for working.

It is about that liquid gold that I will write to-day. I hope by writing an impartial, unprejudiced, and accurate account of how these Lee County farmers "performed the trick" I may encourage other

ambitious communities in the tri-States territory (particularly hoping the farmers of my own Arkansas will carefully peruse this story) to emulate Lee County's example.

There are 4,700 farmers in Lee County, slightly more than 3,300 of them being white farmers. About 1,209 of these farmers grow soy beans upon their lands. Within the week before my visit more than $6,000 worth of pasture seeds, such as clovers, alsike, and grass seeds, were sold to the farmers, the supply of seeds being exhausted before all farmers who desired seed were supplied. A year ago there were, by actual count, 9,000 cows in Lee County. The number is estimated now at 15,000. Nearly all these cows are purebred cows, and there is not a scrub bull in Lee County. During the past 18 months 55 purebred bulls have been placed in the county, the average price being $300, though a few are much more expensive. Yet with all these cows last year Lee County produced 26,000 bales of cotton, more than any other year in its history except four,

It was in 1914 that eight progressive men aspired to see established at Tupelo a creamery where the farmers, who even then kept a few cows, might dispose of their surplus milk. These men contributed $50 each to secure this creamery. At first the output of this creamery was small. Tupelo people smile now when they talk about it. But it increased in output every year. That was the beginning. Even the oak, you know, according to the old axiom, began by being a lowly acorn, buried among the leaves. Aspiring communities note that statement.

In 1916 the banks of the county became interested. I would particularly invite the attention of my readers to that fact. Men with money not only assisted the farmers but an educational campaign was started. The farmers were deluged with booklets and literature on diversification and dairying. Two carloads of registered heifers were bought by the banks of Lee County, all the banks of the county working splendidly together and distributed among the farmers. Ceaselessly, like they were waging a battle against an enemy, these wise, patriotic bankers kept doggedly at their job—self-assigned task, mind you—of educating and encouraging the Lee County farmers.

Right here let me state that the bankers in one respect were fortunate. They had a highly intelligent body of students. The farmers of Lee County, many of them owning their own little farms, which had been passed down to them from a prior generation, are as intelligent as any farmers of America. The dauntless spirits of the pioneers who came to Lee County over the old Natchez Trace still survive within the breasts of these sons who are evolving a veritable paradise here along the banks of Old Town Creek and the Coonewah.

Some five years ago the Lee County Bankers' Association, of which S. J. High, of the Peoples Bank & Trust Co., of Tupelo, is president, decided that the program of education had gone beyond their ability to manage. To be exact, the farmers had passed the elementary stage of instruction in dairying and were ready for a university course, which the bankers themselves were not capable of giving. What did they do—these splendid bankers who are building an empire down in beautiful Lee? Did they quit because the farmers had become pretty good dairy farmers? No, indeed. The bankers found a skilled dairy specialist, Sam B. Durham, and employed him at the expense of the Lee County Bankers' Association.

Then things picked up—picked up at a rapid rate. Mr. Durham, if a crude but expressive slang phrase be pardoned, "knew his onions." He continued the course of university instruction among the Lee County farmers. In 1927 the great Carnation Milk Co. came south, seeking a location for one of its plants. Many localities were inspected and the plant, after mature deliberation, was located at Tupelo. Its first day of operation 19,000 pounds of milk were delivered from the farms of Lee County. I visited that plant to-day. The receipts, according to Mr. Newman, the manager, were nearly 65,000 pounds, although this is the "off season" for the production of an abundance of milk.

That, in substance, is a summary of conditions and the manner of their evolution in Lee County, Miss., as a dairy section. That information was given me by an authoritative source in Tupelo. But I always like to see things for myself before I confide to my readers my opinions on any subject. In company with Sam B. Durham, dairy specialist, and C. W. Troy, prominent druggist and influential citizen of Tupelo, I made a journey out through the rural sections of Lee County. First, I would particularly impress the fact that this county has good roads. Three great highways pass through the county and the local roads are nearly all of gravel. Although the second smallest county in the State there are 400 miles of surfaced roads in Lee County, more than in any other county in Mississippi and probably a rival for any similar area in America, broad as the statement may be. To D. W. Robins, one of the State highway commissioners, this distinction should unquestionably be credited.

Lee County is a panorama of beauty. At nearly every farmer's gate I saw from one to half a dozen milk cans. I saw "contented cows," the kind advertised as giving the milk for the great plant which located a branch at Tupelo, grazing in hundreds of emerald-carpeted pastures. I saw neatly painted and handsome farm homes dotting the beautiful and progressive landscape wherever I chose to look. I saw barns, some new, but many converted into milking barns by the use of other building, one ingenious farmer utilizing a woodshed into a convenient and modern dairy barn.

Lee County has a large negro population. Some may wonder what poor old "Uncle Tom" will do for a living now that the cotton fields are passing—if they are passing—which is probably not true. On the farm of Dr. J. T. Alston I saw a herd of cows. These cows are milked by negro tenants "on the shares" exactly as cotton has been grown since the enforcement of the Emancipation Proclamation. Mr. Durham informed me that the negro takes readily to the new kind of farming, especially after he discovered that "Christmas comes the 15th of every month" on pay day, as it formerly came only annually when the cotton crop was sold. He pointed out to me dozens of negro homes, where I saw milk cans at the gate. The herd of 13 cows on the farm of Doctor Alston cleared for their owner and his negro tenants exactly $1,160 over a period of nine months.

O. B. Rogers is another farmer who "works his cows on shares" with his negro tenants at a profit both to the owner and the tenants. I visited his farm and inspected his modern dairy innovations.

A. Reece is a small farmer. He does not keep many cows but his farm home was spick-and-span and each cow he keeps netted him $200 worth of milk last year. Many men who work in factories and other public employment at Tupelo live in the country, easily reached by excellent roads in any direction, and their wives and children keep a few cows to add to the family exchequer. One young man, desiring to have "spending money" to buy gas for his Lizzie without asking "dad" for it, bought him a cow, milks it himself, and is the envy of his less ingenious companions. A teacher at the rural school at Bissell keeps cows and wisely gives a student or two their weekly board to help him do the milking at eventide.

And thus it goes. Even our illustrious Congressman, JOHN E. RANKIN, owns a beautiful expanse of undulating hills upon the former site of the Battle of Harrisburg. While he is in Washington enthralling a Nation with his oratory his "share croppers" with cows place the familiar milk can at the gate every morning, the Congressman receiving 40 per cent of the profits on the venture, the tenant feeding the cows and receiving the other 60 per cent.

Robert Weaver is a young man whom one might select as being anything but a farmer. He looks more like a professional man—probably a lawyer or a physician. He is, incidentally, a grandson of that great genius who first invited the attention of the world to the advantages of Lee County, John Allen. But I was convinced that young Weaver is indeed a farmer when he showed me on one hill slope nearly 800 White Leghorn hens and some 3,000 little chicks, as well as about 2 dozen fine Jersey cows.

Later, I found this same young man, Robert Weaver, at his other farm, where he showed me a herd of about 50 of the finest cows, headed by a bull recently imported, probably in all Lee County. A dapper young man, looking, I nearly tempted to say, like a sheik, this scion of the great "Private" John M. Allen is engaged in the work in which so many of his neighbors are likewise engaged of making Lee County the premier dairy center of Dixie.

Lastly, I visited the Carnation Milk plant, saw truckload after truckload of milk delivered and, through the courtesy of Mr. Newman, the manager, followed that milk from the wagon through the great and immaculately clean plant to the pasteboard cartons and ready for delivery to the jobber or wholesaler. Throughout its interesting journey the product is not touched by human hand, not even when placing the label on the cans or placing the cans in the pasteboard cartons. It is all done by ingeniously made machinery.

But there is even one other reason, I observed, why Tupelo and Lee County have attained to such enviable distinction along agricultural lines, particularly referring to dairying. After Mr. Durham had so splendidly proven to me to my entire satisfaction that Lee County's farmers actually "produce the goods" I returned to Tupelo not yet quite satisfied. I wanted to make certain I had ascertained why the farmers had attained such phenomenal success. I think I did learn why and I believe if this last lesson were applied to any other community in the tri-States similar gratifying results would be obtained.

While I was at Tupelo I purposely talked to all kinds and classes of people. I talked to professional men—doctors, preachers, and lawyers. I talked to business men, farmers—white and colored—and I also sought opportunity to talk to the ladies and even children. Not one of them owns a hammer. None of them had an unkind word to say about Tupelo or Lee County. On the contrary, all were boosters. One young pharmacist touched the keynote of Lee County's progress when he said to me, "I like to boost Lee County and Tupelo; I like to hear everybody else in the world boost Lee County and Tupelo. It is a good place to boost, and I also want you to boose Lee County and Tupelo."

That's it! After all, the bankers, the farmers, the dairy specialists, and all other agencies would have been powerless to put over the great program they have put over if every mothers' son and daughter among Lee County's citizenship had not been as a unit "for Tupelo and Lee County." It is a land of "liquid gold." As the historic Old Town Creek and the bewitching Coonewah flow placidly through this great panorama of prosperity, methinks if the spirits of the dauntless pioneers

who halted here in their trek down the Natchez Trace could look back from that bourne whence long ago their interpid souls have been wafted they would pour out benedictions upon the land, now overflowing with beauty and wealth, where they halted a long time ago and made the first permanent settlements.

DEVELOPMENT OF THE CONSTITUTION

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

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. KENT. Mr. Speaker and gentlemen of the House, some of us in eastern Pennsylvania have been making an exhaustive study of the part played by Pennsylvania in the adoption of the Federal Constitution. My own county in Pennsylvania played a very conspicuous part. Therefore, I ask unanimous consent to extend my remarks in the RECORD upon that subject, and in addition to that, the Hon. Henry J. Steele, who served here with great distinction for three terms from 1914 to 1920, has been a leader in this work, and with the permission of the House I shall use some of his researches in connection with my extension.

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

There was no objection.

Mr. KENT. Mr. Speaker, for a great many years Northampton County, Pa., together with all the other great counties of the State, has taken a leading part in the study of the development of the American Constitution. I wish to say a few words relative to the part which was taken by Northampton County and the Pennsylvania German in the ratification of the Federal Constitution. Under leave to extend my remarks I secured permission also to use the researches of the Hon. Henry J. Steele, who has devoted a great deal of time to the study of this question. Mr. Steele was for three terms a distinguished Member of this body, and in all of his work upon constitutional and congressional questions has applied a wide and varied experience in such way that the public has greatly benefited thereby. I am very happy to insert his researches at this juncture, and I believe that they will be of lasting benefit to the people.

PART TAKEN BY NORTHAMPTON COUNTY AND THE PENNSYLVANIA GERMAN IN THE RATIFICATION OF THE FEDERAL CONSTITUTION

The creation and adoption of the Federal Constitution was the work of men of great ability and the ripest political experience. It turned what had been a confederation or league of states into a federal state or central government. But this central government was not to supersede the government of the States. The problem to be solved was, therefore, twofold: First, to create a central government; and second to determine the relations of this central government to the States. For this central government it created a new frame of government with carefully granted powers, and all powers not so granted to the central government were reserved to the several States. De Tocqueville, the eminent French statesman and philosopher said that this plan rested "in truth upon a wholly novel theory, which may be considered as a great discovery in modern political science." Previous to this time no republics with written constitutions for the government of widely scattered states were in existence. All that had been done, both in ancient and modern times in forming, molding, or modifying constitutions of government, bore little resemblance to the American Constitution. The convention, therefore, which framed this Constitution had not only to create anew, on the most slender basis of preexisting national institutions, a national government, but they had in so doing to respect the fears and jealousies and apparently irreconcilable interests of thirteen separate Commonwealths, to all of whose governments it was necessary to leave a sphere of action wide enough to satisfy a deep-rooted, local sentiment, yet not so wide as to imperil national unity. Well, therefore, might Hamilton exclaim: "The establishment of a constitution in time of profound peace, by the voluntary consent of the whole people, is a prodigy, to the completion of which I look forward with trembling anxiety." The prevailing feeling among the higher statesmen of the country was that the convention was an experiment of doubtful tendency, but one that must nevertheless be tried. Washington, Madison, Jay, Knox, Edmund Randolph have all left upon record the evidence of their doubts and their fears, as well as of their convictions of the necessity for this last effort in favor of the preservation of a republican form of government.

But they builded better than they knew. The Constitution which they framed has not only survived a civil war and almost a century and a half of time, but has been used as a model for the government of republics since created. There were then but few republics. To-day there are but few governments of a different kind. It was created out of bitterness and strife in the convention during the four months of its debates. The majority never had more than 46 votes and the minority never less than 23. It sat with closed doors, which of itself aroused suspicion and gave it the nickname of the dark conclave. The Federalists wished to send the new plan to the States by the undivided vote of Congress. Others wished to send it, if at all, without one word of approval. But this they could not do unless the Federalists were willing. In the end each party gave up something. The Federalists agreed to withhold all words of approval. The anti-Federalists agreed to unanimity in such submission. By this action only was the bitterness of the convention postponed to the ratification period.

The history of the framing of the Federal Constitution has been well covered and is familiar to nearly all historical students, but the complete story of its ratification by the States and the various influences which brought it about remains to be written. I propose to trace briefly the steps leading to its ratification by Pennsylvania, the first State to take up the question, the influence of the so-called Pennsylvania German element as the balance of power, and the part played by Northampton County in the ratification by the State. To do this understandingly a survey of the then existing conditions must first be made.

Previous to the adoption of the Federal Constitution there existed along the eastern coast of the Atlantic thirteen Colonies, the largest of which had not more than half a million free people, and the total population of which did not reach 3,000,000. All owed allegiance to the British Crown. Acts of the British Parliament ran then substantially as they now run in Canada, but practically each colony was a self-governing commonwealth left to manage its own affairs with scarcely any foreign interference. Each had its legislature, its own statutes, adding to or modifying the English common law.

When the oppressive measures of the British Government roused the Colonies, they naturally sought to organize their resistance in common. Singly they would have been an easy prey, for it was long doubtful whether even in combination they could achieve their independence. A congress of delegates from 9 colonies, held at New York in 1765, was followed by another at Philadelphia in 1774, at which 12 were represented, which called itself "Continental," and spoke in the name of "the good people of these Colonies," the first assertion of a sort of national unity among the Colonies. The second congress, and the third, which met in 1775, and in which thereafter all the Colonies were represented, was a revolutionary body called into existence by the war against the British mother country. In 1776 it declared the independence of the Colonies, and in 1777 it gave itself a new legal status by framing the "Articles of Confederation and Perpetual Union," whereby the 13 States entered into a "firm league of friendship" with each other, offensive and defensive, while declaring that "each State retains its sovereignty, freedom, and independence and every power, jurisdiction, and right which is not by this confederation expressly delegated to the United States in Congress assembled." The confederation which was not ratified by all the States till 1781 was rather a league than a national government, for it possessed no central authority except an assembly in which every State, the largest and smallest alike, had one vote, and this assembly had no jurisdiction over the individual citizens. There was no federal executive, no proper federal judiciary, no means of raising money except by the contribution of the States—contributions which they were slow to render—no power of compelling the obedience to Congress either of States or of individuals. The plan worked badly even while the struggle lasted, and after the immediate danger from England had been removed by the peace of 1783 it worked still worse, and was in fact as Washington said, "No better than anarchy."

Internal difficulties and the contempt with which foreign governments treated them at last produced a feeling that some firmer and closer union was needed. Finally Congress recommended the States to send delegates to a convention which should "revise the articles of confederation and report to Congress and the several legislatures such alterations and provisions therein as shall, when agreed to in Congress and confirmed by the States, render the Federal Constitution adequate to the exigencies of government and the preservation of the Union." The convention thus summoned met at Philadelphia on the 14th of May, 1787. Among its members were found many of the best intellects the United States then contained. It consisted of 55 delegates, 39 of whom signed the Constitution, which it drafted. It sat four months and expended upon its work an amount of labor and thought commensurate with the magnitude of the task and the splendor of the result. One of its first questions was whether its power was limited to a mere revision or whether it could propose a new form of government. It boldly decided in favor of the latter. The debates were secret, for criticism from without might have imperiled a work which seemed repeatedly on the point of breaking down, so great were the difficulties encountered from the divergent sentiments and interests of different parts of the country, as well as of the larger and smaller States. It closed its deliberations on September 17, 1787.

The difficulties incident to the ratification of the proposed Constitution were enormous. The old Congress was still in existence as the National Government, but it was in even lower repute and of less influence than it had been earlier in the decade; and it confessedly had neither the authority nor the power to take effective steps for the establishment of the new form of government. The convention accord-

ingly determined to report its proceedings to the old Congress, which body was to submit the Constitution to each State for acceptance or rejection—the people of each State expressing themselves through a convention called for the purpose. All questions at issue were now revived in the vigorous and protracted discussions and contests which took place in several of these conventions. Two bitterly opposing parties arose—the Federalists and the anti-Federalists—the former favoring the Constitution and the latter rejecting it.

The conflict opened in Pennsylvania. She was the first of the large States to ratify the Constitution, and her prompt action greatly influenced the result. Had this action been less prompt or less decided it would have opened the way to dissensions and amendments that would in all probability have caused the rejection of the Constitution, or have sunk it to the level of the Articles of Confederation. Preceded only by Delaware in taking final action on the Constitution, she was the first to undertake its consideration. But in order to understand the real nature of this conflict it is necessary to recall conditions in Pennsylvania as they existed down to that time.

Great Britain having acquired sovereignty over Pennsylvania by right of discovery and conquest, Charles the Second granted to William Penn, on March 4, 1681, all the territory now within the limits of that State, and in the following year he visited his Province, remaining there almost two years. He established a constitution and formulated a code of laws which guaranteed civil and religious freedom to every inhabitant within the limits of his Province. Lands were offered for sale in blocks of 5,000 acres for £100. This was at the rate of 10 cents an acre, reckoned at the present value of money, for the choicest land in the colony. Such liberal terms upon which to acquire land gave a great stimulus to emigration, and it was not long before a great stream of humanity from the Old World began to flow into the Province and continued to flow with little abatement for upward of three-quarters of a century. About that time the German Palatinate had been devastated by religious and other wars and its people were looking for some spot on earth where they could go and live in peace, freed from their cruel oppressors. Penn made several visits to the Palatinate, when he pointed to his Province in America as the solution of their problem. He spoke the German language fluently and therefore had no difficulty in cultivating the most intimate personal relations with them. He wanted colonists and the Palatines wanted to leave their desolate and ruined homes in the land of their birth. What they most desired was peace, civil and religious freedom, and title to their land by peaceful means, not by conquest. In order to acquire these privileges these German peasants, not united in one nation in their home country, poured streams of their people into a British colony more than 3,000 miles distant across the Atlantic, whose language and government were alike strange to them. At the time of the Revolution Franklin and others estimated that the Germans in Pennsylvania numbered about one-third of the population, or about 110,000; but others estimated it considerably larger. They were settled in the counties of Philadelphia, Bucks, Northampton, Chester, Berks, York, Lancaster, Dauphin, and Cumberland. In 1752, when Northampton County was created, it had a population of about 6,000, of which 600 were Scotch-Irish and the remainder were Germans. The Province had three classes of inhabitants—the Quakers, the Scotch-Irish, and the Germans. The Quakers were by nature and religion peaceful. They were living under a proprietary rule which was practically controlled by themselves. The Scotch-Irish were so well satisfied as to be little tempted until the issue of liberty was clearly defined, when they stood shoulder to shoulder with the Germans. The Germans came to find a home and found it. With this home they were accorded a quite full measure of freedom, which brought with it a large degree of happiness, and a correspondingly kind feeling for their Quaker neighbors and rulers. If they had been given proper popular representation in the governing body, their attitude might have been different. But when the issue in 1776 was suddenly enlarged into a broad demand for final separation from Great Britain and the creation of a Republic all their traditional love of freedom was fully aroused. Bancroft, the historian, says of them: "The Germans, who constituted a large portion of the population of Pennsylvania, were all on the side of freedom."

Under the proprietary rule they were practically without representation in the general assembly and without voice in the government. The qualifications for office were confined to natural-born subjects of England or persons naturalized in England or in the Province, who were 21 years old and freeholders owning property and resident there for at least two years. The delegates to the Colonial Congress were selected by the general assembly. With the Germans disfranchised, the Tories controlled the government. Peaceful efforts in the assembly to enfranchise the Germans by repealing the naturalization laws and oath of allegiance to Great Britain had failed, and this had to be accomplished by revolution, because their enfranchisement would give the friends of liberty and union an overwhelming and aggressive majority. This was resolved on, and on May 15, 1776, Congress adopted a resolution recommending to the Colonies the call of a convention to adopt such government as shall in the opinion of the representatives of the people best tend to the happiness and safety of the people. In consequence of this resolution, a number of gentlemen met at Carpenters' Hall, Philadelphia, on June 18, 1776, having been appointed by committees of safety of the various counties, and issued an address fixing July 8 as the day for election of deputies, who met in convention on July 15, 1776, and adopted the Constitution of 1776, without its being submitted to the people. The adoption of this Constitution not only enfranchised them but made the Declaration of Independence possible. The effect of this new order of things was felt immediately throughout the Colonies. The proprietary government, with its Tory assembly, was overthrown, and when, on July 2, 1776, the Colonial Congress reached a vote on the resolution declaring the Colonies free and independent States the vote of Pennsylvania was changed from that of opposition to a vote cast in its favor. The English people of the Province having been divided, the Germans were the potential factors in securing the essential vote of Pennsylvania for the Declaration of Independence. The English people of the Colony consisted of Quakers and Scotch-Irish, who had emigrated from Ulster, in Ireland, and it was the union of the Ulstermen with the Palatinate stream from Germany that brought about the revolution in Pennsylvania. These are pregnant facts, worthy of marked notice in the story of independence, which hitherto have received scant attention from historians.

It has been stated that the convention which framed the Federal Constitution had reported its proceedings to the old Congress, which body submitted it to the several States for ratification. When formally sent out to the people of the State it at once became the subject of a violent contest, which continued almost to the day when Washington was sworn into office. The convention that framed the Federal Constitution sat in the old statehouse, at Philadelphia, and after a stormy session of four months ended its labors on September 17, 1787. While these things were taking place in a lower room of the statehouse the Legislature of Pennsylvania was in session in a room above, and to it, on the morning of September 18, the Constitution was read. At 11 in the morning of that day Benjamin Franklin, more than fourscore years of age, then President of Pennsylvania, fulfilling his last great public service, was ushered into the hall of the assembly, followed by his seven colleagues of the convention. After expressing in a short address their hope and belief that the measure recommended by that body would produce happy effects to the Commonwealth of Pennsylvania as well as to every other of the United States, he presented the Constitution and accompanying papers.

For the next 10 days the house confined itself to its usual business; but as it had resolved to adjourn sine die on Saturday, the 29th, it was moved, on the morning of the last day but one of the session, to refer the acts of the Federal Convention to a convention of the State. This provoked a long and bitter debate and resulted in a postponement of the question until 4 in the afternoon.

At 4 o'clock the assembly met, with the speaker and every Federal member in his place. But all told they counted only 44, and 46 was necessary for a quorum. Without a quorum the house would be forced to adjourn with the day for the election of delegates unfixed and the manner of choosing delegates unsettled. It was accordingly arranged that not one of the 19 minority should go to the afternoon session, and none did. After waiting a while and no more coming in, the speaker sent out the sergeant at arms to summon the absentees. None would obey, and the House was forced to adjourn to 9 o'clock Saturday morning. When the speaker had taken the chair on Saturday morning a quorum was still lacking, and the sergeant at arms and the assistant clerk were dispatched to hunt up the absentees and summon them to attend. The two officers went first to the house of Major Boyd, where some of the members lodged, and where were James M. Calmant, who sat for Franklin, and Jacob Miley, from Dauphin. They stoutly refused to go. The people, however, decided that they should, broke into their lodgings, seized them, dragged them through the streets to the State House, and thrust them into the assembly room with clothes torn and faces white with rage. The quorum was now complete, and the resolution calling the convention to meet at Philadelphia on the day for holding the general election in November was carried by a vote of 43 to 19. When this vote was made public the editor of a German newspaper at Lancaster pointed with pleasure to the fact that 12 Germans were among the majority. The two assemblymen from Northampton—Messrs. Trexler and Burkhalter—voted with the majority.

While these things were happening in the assembly the minority were busy preparing an address to the people, which 16 of the 19 signed. The objections of these men were 10 in number. The new plan was offensive because it was too costly; because it was to be a government of three branches; because it would ruin State governments or reduce them to corporations; because the power of taxation was vested in Congress; because liberty of the press was not assured; because trial by jury was abolished in civil cases; and because the Federal judiciary was so formed as to destroy the judiciary of the States. There ought to have been a declaration of rights and provision against a standing army. They were at once answered in verse, in squibs, in mock protests, in serious and carefully drawn replies.

The election, however, to which the factions looked forward with most concern was that of delegates to the convention. Four weeks were to come and go before this took place, and during these weeks

the anti-Federalists were all activity. A friend was found in the publisher of a newspaper known as the Independent Gazetteer, and a champion in the unknown author of the letters of "Centinel." Who "Centinel" was is not known, but the letters deserve the same rank in the list of papers opposing the Constitution that has been given to the Federalist in the list of papers supporting the Constitution. To strictures such as these a number of replies were made by the Federalists, the most notable of which was the speech of James Wilson at the statehouse.

Election day was the 6th of November and with it a decisive victory for the supporters of the Constitution. The delegates chosen to the convention met at the statehouse on Wednesday, the 21st of November, when 60 of the 69 members were present. The 60 who answered to their names made up a body as characteristic of the State as has ever been gathered. Scarcely a sect or creed or nationality in the Commonwealth but had at least one representative on the floor of the convention. Some were Moravians, some Lutherans, some Episcopalians, some Quakers; many were Presbyterians. Some were of German descent.

Of the proceedings of the convention no full and satisfactory record is known to exist. For our knowledge of what was said and done we are indebted to the summaries of the debates that appeared in the newspapers and the notes of members.

By a vote of 46 to 23 the convention ratified the Constitution just as it came from the body that framed it. Without waiting to sign it, the convention, with all the State dignitaries, both civil and military, went in procession the following day to the statehouse and read the ratification to a great gathering of the people. On Saturday, the 15th of December, the convention adjourned.

More than half of the votes recorded in favor of ratification came from the German counties and was the balance of power in the convention. At the first meeting of the Pennsylvania German Society, in 1890, Hon. George F. Baer, a former president of the Reading Railroad Co. and father of Mrs. Rolla Knapp, of Easton, in a notable address said: "You see it is absolutely true, as the English people of the Province were divided in 1776, the Germans were the potential factor in securing the essential vote of Pennsylvania for the Declaration of Independence." And at the meeting of that society in 1892 Dr. W. H. Egle, a well-known Pennsylvania historian, said: "The supremacy in the Constitutional Convention of 1789–90 was undoubtedly German, and their acknowledged ascendency resulted in its passage in and out of the convention."

And now the minority published their address and reasons for dissent. Twenty-one of the twenty-three minority signed the address. It is remarkable that these reasons contain the substance of the 10 amendments afterwards added to the Constitution. Similarity so marked can not be accidental. There is much reason, therefore, to believe that when Madison, in 1789, drew up the amendments for the House of Representatives he made use of those offered by the minority of the convention of Pennsylvania. Another matter of historical interest connected with the minority is the fact that in the delegation from Berks County was Abraham Lincoln, who voted with the minority from start to finish. He belonged to a collateral branch of the original ancestry of President Lincoln, who were Quakers and settled in Amity Township, Berks County.

The example of issuing an address to the public thus set by the minority was quickly followed by individual members of the majority. No sooner did they reach their homes than they, too, made appeals to their constituents under the form of reports to county meetings. The earliest of these was made at Easton, December 20, five days after the adjournment of the convention, signed by the four delegates from Northampton County. The report was as follows:

"Friends and fellow citizens of Northampton County:

"The representatives of this county in the late convention of this State think it their duty, as servants of the public, to lay before you, their constituents, the result of their deliberations upon the new Constitution for the United States, submitted to their consideration by a resolve of the legislature for calling a State convention.

"The debates at large we have reason to expect will be published, wherein those whose inclination may lead them to it, will find a detail of all the arguments made use of either for or against the adoption of the Constitution. Our intention, therefore, is not to enter fully into an investigation of the component parts of it but only to inform our constituents that it has been carefully examined in all its parts; that every objection that could be offered to it has been heard and attended to; and that upon mature deliberation, two-thirds of the whole number of deputies from the city and counties of this State, in the name and by the authority of the people of this State, fully ratified it, upon the most clear conviction:

"1st. That the State of America required a concentration and union of the powers of government for all general purposes of the United States.

"2nd. That the Constitution proposed by the late convention of the United States, held at Philadelphia, was the best form that could be devised and agreed upon.

"3rd. That such a constitution will enable the representatives of the different States in the Union to restore the commerce of all the States in general and this in particular to its former prosperity.

"4th. That by a diminution of taxes upon real estates agriculture may be encouraged and the prices of lands, which have of late greatly declined, will be increased to their former value.

"5th. That by imposing duties on foreign luxuries, not only arts and manufactures will be encouraged in our own country but the public creditors of this State and the United States will be rendered secure in their demands without any perceptible burthen on the people.

6th. That all disputes which might otherwise arise concerning territory or jurisdiction between neighboring States will be settled in the ordinary mode of distributing justice without war or bloodshed.

"7th. That the support of government will be less expensive than under the present constitutions of the different States.

"8th. That all partial laws of any particular State for the defeating of contracts between parties or rendering the compliance therewith on one part easier than was originally intended, and fraudulent to the other party, are effectually provided against by a prohibition of paper money and legal tender laws; and

"9th. That peace, liberty, and safety, the great objects for which the late United Colonies, now free independent States, expended so much blood and treasure, can only be secured by such an union of interests as this Constitution has provided for.

"In full confidence that our unanimous conviction and concurrence in favor of this Constitution will meet the entire approbation of our constituents, the freemen and citizens of this county, we have the honor to subscribe ourselves.

"Their devoted servants,

"JOHN ARNDT.
"STEPHEN BALLIET.
"JOS. HORSFIELD.
"DAVID DESHLER.

"EASTON, *December 20, 1787.*"

On the same day there was a meeting at Easton of sundry inhabitants of the county, which took into consideration the report made to the people of the county by their deputies to the State convention. Whereupon it was

"*Resolved unanimously*, First. That we highly approve of the conduct of our deputies in assenting to and ratifying the Constitution of the United States, as proposed by the late Federal Convention.

"Second. That the chairman be requested to return our hearty thanks to the said deputies for the patriotism, public spirit, and faithful discharge of their duty as representatives of this county.

"Third. That their report, together with these resolutions, be transmitted by the chairman to Philadelphia for publication.

"Signed by order of the meeting,

"ALEXANDER PATTERSON, *Chairman.*

"Attest:

"JAMES PETTIGREW, *Secretary.*"

A similar meeting held at Carlisle a week later was the cause of a serious riot. The celebrants secured a cannon and made a great pile of barrels for a bonfire on the public square; but no sooner were they assembled than a mob of Anti-Federalists attacked them, drove them from the ground, spiked the cannon, burned a copy of the Constitution, and went off shouting, "Damnation to the 46; long live the virtuous 23." Thus stirred up, the excitement spread over all the Anti-Federal counties. The country beyond the mountains was wholly in the hands of the Anti-Federalists. Elsewhere the action of the convention was heartily approved. At Lancaster the delegates were received with bell ringing and discharge of cannon.

Having given a history of the chief events that led to the ratification of the Constitution, it may be interesting to give a brief description of the delegates from Northampton County. They were John Arndt, Stephen Balliet, Joseph Horsfield, and David Deshler. At this time Northampton embraced all the land now contained in the counties of Northampton, Lehigh, Carbon, Monroe, Pike, Wayne, and Susquehanna and parts of Wyoming, Luzerne, Schuylkill, Bradford, and Columbia. Most of this territory was then unsettled, outside of what is now Northampton and Lehigh Counties, and from this section the four delegates were chosen.

John Arndt was born in Bucks County in 1748. His father removed to Northampton County in 1760, where he erected what was long known as Arndt's mill, later Walter's mill, on the Bushkill, where he spent most of his life. At the outset of the War of the Revolution he became one of the leading spirits in that struggle. He was captain of a company in Colonel Baxter's battalion of Northampton County, of the "Flying Camp," and in the Battle of Long Island was wounded and taken prisoner. He was soon after exchanged and on March 25, 1777, was commissioned as register of wills and was an elector at the first Presidential election. In 1796 he was nominated for Congress, but was defeated by 90 votes. He died at Easton in May, 1814. It is said that as a mineralogist and botanist he held no mean rank.

Stephen Balliet was born in Whitehall Township, now Lehigh County. His father, Paul Balliet, was of Huguenot ancestry and a native of

Alsace, who came to Pennsylvania in 1738. His mother was a native of Lorraine. He was brought up to mercantile life under his father. During the War of the Revolution he commanded one of the battalions of Northampton Associators in 1777 and 1778, and was in active service at the Battles of Brandywine and Germantown. He served as a member of the General Assembly, and in 1797 he filled the office of revenue collector. Colonel Balliet died in 1821.

David Deshler was born at Egypta, in the upper part of North Whitehall Township, now Lehigh County, in 1734, where his father, Adam Deshler, was among the first settlers. In 1764 he was a shopkeeper in Allentown, but two years later sold out and removed to his grist mills, which he continued to operate until almost the close of his life. During the Revolutionary War he became colonel of a military company and was one of the most influential personages in Northampton County; acted as commissioner of supplies, and with his colleague and neighbor, Capt. John Arndt, of Easton, advanced money out of his private means at a time when the public treasury was empty. He died at Catasauqua in December, 1796.

Joseph Horsfield was born at Bethlehem in 1750. His father, Timothy Horsfield, was an early Moravian settler at Bethlehem, and quite prominent in the history of that settlement. Timothy Horsfield married a daughter of William Parsons, the founder of Easton. But little is known of the son's early history, save that he was a man of good education and of influence in the community. He was appointed by President Washington, in 1792, the first postmaster at Bethlehem, which office he held until 1802. He died at Bethlehem in 1834.

The Anti-Federalists, however, did not permit the report of the delegates from Northampton and the meeting at Easton, or the riot at Carlisle to pass unnoticed. In the Independent Gazetter or Chronicle of Freedom of January 8 following there appeared, over the signature of "Centinel," a strong attack on the methods of the supporters of the Constitution, of which the following is an excerpt:

"The parasites and tools of power in Northampton County ought to take warning from the fate of the Carlisle Junto, lest like them, they experience the resentment of an injured people. I would advise them not to repeat the imposition of a set of fallacious resolutions as the sense of that county, when in fact, it was the act of a despicable few, with Alexander Paterson at their head, whose achievements at Wyoming, as the meaner instrument of unfeeling avarice, have rendered infamously notorious; but yet, like the election of a Mr. Sedgwick for the little town of Stockbridge, which has been adduced as evidence of the unanimity of the western counties of Massachusetts State in favor of the new Constitution, when the fact is far otherwise, this act of a few individuals will be sounded forth over the continent as a testimony of the zealous attachment of the county of Northampton to the new Constitution. By such wretched and momentary deceptions do these harpies of power endeavor to give the complexion of strength to their cause. To prevent the detection of such impositions, to prevent the reflection of the rays of light from State to State, which, producing general illumination, would dissipate the mist of deception, and thereby prove fatal to the new Constitution, all intercourse between the patriots of America is as far as possible cut off; whilst on the other hand, the conspirators have the most exact information, a common concert is everywhere evident; they move in unison. There is so much mystery in the conduct of these men, such systematic deception and fraud characterizes all their measures, such extraordinary solicitude shown by them to precipitate and surprise the people into a blind and implicit adoption of this Government, that it ought to excite the most alarming apprehensions in the minds of all those who think their privileges, property, and welfare worth securing."

This excerpt shows the bitterness which prevailed between the supporters and opponents of the Constitution. As stated, the real authorship of the letters signed "Centinel" is shrouded in mystery. One of the leading figures in the political history of Pennsylvania at that time was George Bryan, who was charged with the authorship of these letters, but his son, Samuel Bryan, writing to Governor George Clinton, of New York, says: "I flatter myself that in the character of Centinel I have been honored with your approbation." The late Paul Leicester Ford is authority for this statement.

The result of this conflict throughout all of the 13 States was that before the close of the year 1788 the Constitution was ratified by 11 States; so that it went into operation between the States ratifying in 1789. The other two, North Carolina and Rhode Island, adopted and ratified it in less than two years afterwards, the last of which was Rhode Island.

From the commencement of the struggle by the Colonies for independence down to the present time Northhampton County has been intensely patriotic. At the outset its territory extended from the Bucks County line northward to the New York State line and westward to Berks and Northumberland Counties. It immediately joined with the other forces favoring freedom. Its committee of safety was formed December 21, 1774, and was in constant communication with a similar committee in Philadelphia—then the first city in the Union in refinement and wealth, and the scene of great political events of the utmost importance to the whole country. In May, 1775, the county had a volunteer force of 2,000 men, preparing for duty at the front when called for under the direction of the committee. In June, 1775, General Washington was appointed commander in chief of the American Army, and in July, 1775, the county adopted the project of equipping a company of riflemen. At a meeting of the committee, on July 9, 1776, it was resolved to form a Flying Camp, constituting part of Colonel Baxter's division, which took part in the Battle of Long Island. This activity continued to the end of the struggle. It joined with the other counties in framing the Constitution of 1776, which emancipated the German citizens of the county, and assisted in forcing the vote of Pennsylvania in the Continental Congress to favor separation and the Declaration of Independence.

Easton, located at the confluence of the Delaware and Lehigh Rivers, was the county seat of the then vast territory within Northampton County. It was then a frontier town and the most important town in northeastern Pennsylvania. It was convenient of access to both New York and Pennsylvania, and yet safe from attack by British and Indian forces. The colonial records and Pennsylvania archives show that it was the center of revolutionary activity in that section. News of the adoption of the Declaration of Independence was received here on July 8 and was hailed by the citizens by a public demonstration at the courthouse, where the immortal document was read to the public. After the defeat of the American forces at the Battle of the Brandywine, September 11, 1777, Philadelphia was abandoned by them and Easton was chosen by Congress as the place for depositing the public moneys and records and for collecting military stores. Here also the boats were collected to transport Washington's army across the Delaware after the Battle of Trenton, and here lived George Taylor, one of the signers of the Declaration of Independence. Bethlehem, then, as now, located in Northampton County, furnished, with Easton, hospitals for the care of sick and wounded Revolutionary soldiers. Allentown, now the county seat of Lehigh County, then a part of Northampton, received the Liberty Bell when the American forces were compelled to abandon Philadelphia.

Probably the greatest cause of opposition to the adoption of the Federal Constitution was that it did not contain a bill of rights and failed, as contended, to adequately protect local self-government. It must be admitted that these rights, so far as they are consistent with national safety, are indispensable to the long-continued existence of a republican government on a large scale. A republic in a great nation demands these separate institutions which imply in different portions of the nation some rights and powers with which no other portions of the nation can interfere. Let us suppose, for instance, that the States of this Union from the Atlantic to the Pacific were obliterated to-day and that the people of this whole country, 3,000 miles in extent, with 120,000,000 people, were a consolidated democracy, "one and indivisible." No laws would then be made, no justice administered, no order maintained, no institutions upheld, save in the name and by the authority of the Nation. What sort of a republic would that be? If it started with the name and semblance, how long would it preserve the substance of republican institutions? In order to act at all in discharge of the vast duties devolving upon it, the government of such a Republic, extending over a country so enormous, must more and more be made the depositary of the irresistible force of the Nation; and the theory that the will of the Government expresses in all cases the will of the ruling majority must soon confer upon it that omnipotent power beneath which minorities and individuals have no rights. This is no mere speculation. It is the lesson of history. Every reflecting man in this country knows that he has some civil rights which he does not hold at the will and pleasure of a majority of the people of the United States. He knows that he holds these rights by a tenure which can not be lawfully touched by all the residue of the Nation. This is republican liberty, and without this principle in some form of active and secure operation no valuable republican liberty is possible in any great democratc country on the face of the earth. Fortunately much of this opposition was swept away by the adoption of the first 10 amendments. The question of local self-government or State rights remains with us. As the fathers frame the Constitution the checks and balances between the National and State Governments were adequate, but recently there has been a tendency to write into that great document a code of police regulations, which, as said by a judge of the Supreme Court, "has placed a strain on all law." If persisted in, it may undermine the whole structure of our Government.

Gladstone declared that "the American Constitution was the most wonderful work ever struck off at a given time by the brain and purpose of man." It had, however, its forerunners. The men who framed it followed the lead of no theoretical writer of their own or preceding times. They harbored no desire of revolution, no craving after untried experiments. They wrought from the elements which were at hand and shaped them to meet new exigencies which had arisen. The least possible reference was made by them to abstract doctrines; they molded their design by a creative power of their own, but nothing was introduced that did not already exist or was not a natural development of a well-known principle. The materials used by the fathers for building the American Constitution were the gifts of the ages.

ORDER OF BUSINESS—THE CONSENT CALENDAR

Mr. TILSON. Mr. Speaker, I ask unanimous consent that on Monday next it may be in order to call the Consent Calendar under the rules of the House.

The SPEAKER pro tempore. The gentleman from Connecticut asks unanimous consent that on Monday next it may be in order to call the Consent Calendar. Is there objection?

Mr. KINCHELOE. Does the gentleman mean that it will be the first thing on Monday?

Mr. TILSON. It will be in order to do so.

Mr. SCHAFER. If we complete the Consent Calendar, will we be able to go on with the Private Calendar?

Mr. TILSON. I hope so. At any rate that is my intention.

The SPEAKER pro tempore. Is there objection?

There was no objection.

SURVEY OF INDIAN AFFAIRS BY THE INSTITUTE FOR GOVERNMENTAL RESEARCH

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to extend my remarks by inserting in the RECORD a press summary of the recent report of the Institute for Governmental Research in respect to the Indian problem of the country. A very careful study was made. The report is voluminous, but I desire to print only the press summary of that report.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. CRAMTON. Mr. Speaker, one of our most important national problems, and one which probably excites as widespread interest among those who are informed and those who are not as any of our great problems, is the Indian question and the administration of Indian affairs. We are now at a very important stage in the development of our Indian policy. There is much in the past that is unpleasant, unfortunate, and undesirable. There is a great deal also of real accomplishment and much that has been altruistic and generous as well as constructive and effective in the treatment of the Indians by our Government and our people. The administration of Indian affairs to-day is honest and creditable. The maximum of efficiency has not been attained, although there have been material gains under the present administration of the Bureau of Indian Affairs, with the interested and effective cooperation of the Committee on Appropriations and of Congress itself. This work has gone on in the face of the carping criticisms mouthed so constantly in Washington by lobbyists who profess to be the only friends of the Indians but whose criticism has been always destructive and never constructive and whose real aim would seem to be to tear down those charged with official responsibility in the administration of the Government's Indian policies rather than to build up the welfare of the Indians. During the session that has just closed I have on several occasions spoken by name of such destructive lobbyists in connection with Indian matters. It is highly regrettable that by reason of their selfish prostitution of support so generously given them by many well-meaning and influential people a large part of the public sentiment voiced in connection with this problem has not been so directed as to promote that which is really constructive.

As I stated in my speech in the House January 12, when presenting the Interior Department appropriation bill, the work of the Indian Bureau is proceeding along safe and sane lines with special emphasis upon three things: First, education; second, health; and third, industrial assistance. In the Bureau of Indian Affairs and in Congress special emphasis has been given to those aims and material advances have been made. Much remains to be done, and those who are sincerely interested in the proper development and advancement of the Indian race should give thought to the problem and familiarize themselves with the facts from every available reliable source.

During the past year there has been a very important survey of Indian problems by a private agency upon invitation of the Secretary of the Interior, Hubert Work. This survey has resulted in a very important report recently published by the Institute for Government Research. Without necessarily agreeing at all points with their conclusions or suggestions, I am highly appreciative of the care with which the survey has been made, the disinterestedness and ability which appears to have characterized the work of the survey, and believe the more generally their report is studied by those interested in this problem the more rapid will be the development of the constructive program for advancement that is sought by all sincere wellwishers for the Indians. It has semeed to me desirable, therefore, to present through the RECORD the press release from the Department of the Interior, which summarizes the results of this survey, these statements being as follows:

THE PROBLEM OF INDIAN ADMINISTRATION

1. ANNOUNCEMENT OF REPORT

Social and economic conditions at present prevailing among the American Indians constitute a national emergency that demands immediate attention, increased appropriations by Congress making possible the employment of a more competent personnel, and an increased attention to social and economic problems as contrasted with those that are administrative.

Thus is summarized the report of a comprehensive survey of Indian affairs made by the Institute for Government Research at the request of Secretary Hubert Work, of the Department of the Interior. The report of the institute was submitted to the Secretary by W. F. Willoughby, director of the institute, late in February, and the Secretary immediately authorized the institute to print it in full. It is now released to the public.

The majority of the Indians, the survey shows, are poor and are not yet adjusted to the dominant white civilization. Their vitality is low and their death rate high. Tuberculosis and trachoma are prevalent. Living conditions among the majority of them are conducive to the development and spread of disease. The income of the typical Indian family is so low as to place them little above actual want. The earned income is low. General conditions, in fact, are such as to call for vigorous and immediate expansion of the Indian Service.

The theory of the American people has heretofore been that the Indian Service is an administrative agency, the chief purpose of which was the control and conservation of Indian property and the care of dependent Indians. The report holds that too little attention has been given to their social and economic advancement. It states that the Indian Service has been unable to employ adequate and properly qualified personnel to perform this ultra administrative work. The present staff is insufficient in numbers and, in many cases, without sufficient technical and professional training to accomplish the broader purpose.

Because of these limitations the Indian Service as a whole has not developed a well considered and broadly educational program for the development and advancement of a primitive people. Such a program, the report says, should include not only school training for children but also activities for adults to aid them in adjusting themselves to the dominant social and economic life which confronts them. It should emphasize education in economic production and in living standards high enough for the maintenance of health and decency.

The survey which resulted in these findings is the most comprehensive study of the social and economic conditions of the Indians that has ever been made. It was conducted under the immediate direction of Lewis Meriam, of the regular staff of the Institute for Government Research in cooperation with nine specialists selected for this particular project by the institute. None of these specialists were from the Indian Office or the Department of the Interior. The staff was in the Indian country almost continuously for seven months. One or more members of the staff visited 95 different jurisdictions, either reservations, agencies, hospitals, or schools, and also many communities to which Indians have migrated.

Neither the Indian Service nor the Department of the Interior exercised any control or supervision over the survey. The Institute for Government Research is not a Government agency. The survey was entirely financed from private funds, mainly the gift of Mr. John D. Rockefeller, jr. Secretary Work requested a private organization to make the survey because he wished an entirely impartial report on the conditions of the Indians and the conduct of work in their behalf.

Mr. Meriam, as technical director of the survey, selected the staff. The members were: Indian adviser, Henry Roe Cloud, of the Winnebago Tribe, president of the American Indian Institute; specialist in health, Dr. Herbert R. Edwards, medical field secretary of the National Tuberculosis Association; specialist in education, W. Carson Ryan, jr., professor of education, Swarthmore College; specialist in general economic conditions, Edward Everett Dale, head of the department of history, University of Oklahoma; specialist in agriculture, Dr. W. J. Spillman, of the Bureau of Agricultural Economics, United States Department of Agriculture; specialist in community and family life and the activities of women, Mary Louise Mark, professsor of sociology, Ohio State University; specialist on migrated Indians in cities, Miss Emma Duke, of the staff of the American Public Health Association; specialist in legal aspects, Ray A. Brown, assistant professor of law, University of Wisconsin; specialist in existing material, F. A. McKenzie, professor of sociology, Juniata College.

The full report, entitled "The Problem of Indian Administration," is over 800 pages long and covers general administration, health, education, general economic conditions, family and community life, and the activities of women, Indians migrated to cities, legal aspects, and missionary activities.

2. HEALTH

The vitality of the American Indians is so low and various diseases are so prevalent that their condition becomes a serious national problem, in the opinion of the Institute for Government Research after a

comprehensive two-year survey of conditions in the Indian country, made at the request of Secretary Work, of the Department of the Interior. These findings are set forth in a comprehensive publication entitled "The problem of Indian administration," which has just come from the press.

Tuberculosis, trachoma, the diseases of early infancy, says this report, are the major complaints most prevalent among the Indians, due chiefly to the low standard of living which they maintain. The Indians are caught in the vicious circle of poverty with low incomes, poor and overcrowded houses, lack of sanitary facilities, and, above all, bad diet, resulting in poor health, often producing physical inability to work.

Tuberculosis and high infant mortality are associated with improper and insufficient diet and bad living conditions. The conviction is growing that the same is true of trachoma, that highly communicable disease that results in blindness and is a constant menace both to the Indians and the white population. It was as a result of cooperation between medical officers of the Indian Service and the Rockefeller Foundation, working among Indians of the Southwest, that what is thought to be the trachoma germ was isolated.

The report points out that the great preventive foods in combating these diseases are milk, fresh green vegetables, and fruit, all of which are lacking in the Indian diet. Few Indians keep milk cows. Milk is generally not available even for Indian babies, so that when they are weaned they are immediately placed on the same diet as adults—a diet deficient in preventive foods and consisting too much of ill-cooked starches and meat.

The survey finds that health is not what it should be even in some of the schools operated by the Government. An effort has been made to feed these children on a low per capita allowance plus what can be raised on the school farm and produced in the school dairy. In a few cases it has been possible to keep at the low salaries offered employees capable of getting the most out of these farms and dairies and thus supplementing the basic allowances. They are important factors in improving the diet, but even at the best schools these sources do not fully meet the requirements of the health and development of children.

The Government has failed to develop an adequate program of public health administration and preventive medicine for its Indian wards, the staff concludes, although it commends the progress in that direction made under the present administration of the Interior Department. It particularly commends the action of Secretary Work in securing as chief medical officer of the Indian Service a trained public health officer from the United States Public Health Service, and of the Indian Office in its determination to substitute trained public health nurses for the untrained, inexperienced field matrons employed for years at salaries almost always too low to secure a person fitted for the task. It recommends increased appropriations to carry out this program, the development of public health clinics to detect communicable diseases in their incipiency, and the collection of adequate morbidity and vital statistics already started by the Indian Office.

The number of doctors, dentists, and nurses is insufficient, and because of low salaries some of those at present employed are below proper standard in qualifications. In the case of field nurses the salaries have been insufficient to attract a sufficient number of persons who can meet the reasonable civil-service requirements.

In his report for 1927 the Secretary of the Interior called to the attention of Congress the inadequate appropriations available for Indian administration, stating that the Indian Service has not kept pace with progress elsewhere along health, educational, industrial, and social lines. He said that years of financial neglect demands larger appropriations if the Government is to perform its full duty to the American Indian. As early as 1925, also, after conferences with the Civil Service Commission, he set the standards for the appointment only of physicians who are graduates from class A medical schools.

Neither the hospitals nor the sanatoria maintained by the Indian Service meet the minimum standards for institutions of that class concludes the institute. They are generally defective in personnel, design, equipment, and maintenance. The effort has been made to operate them on a per diem cost materially below that for similar institutions serving other classes of the population.

"Because of the small appropriations," says the report, "the salaries for the personnel in health work are materially below those paid by the Government in its other activities concerned with public health and medical relief, as well as below those paid by private organizations for similar services. Since its salaries are substandard, the Indian Service has not been able to set reasonably high entrance qualifications and to adhere to them. For general nursing positions it has often been necessary to substitute for properly trained nurses, practical nurses, some of whom possess few qualifications for the work."

The medical specialist on the special survey staff of the institute was Dr. Herbert R. Edwards, on appointment medical field secretary of the National Tuberculosis Association, now director, bureau of tuberculosis control of the New Haven Department of Health.

3. EDUCATION

The American Indian is capable of acquiring an education that, under proper conditions, will convert him into a useful and productive citizen. He needs education that is less institutional than that which he is at present getting, one that will tend more strongly to develop his initiative. The boarding school should be played down and the day school which he can attend while at home should be further developed.

A more highly trained and better paid educational personnel is indispensable to a proper administration of Indian education.

These are among the findings of the Institute for Government Research which, at the request of the Department of the Interior, has had a corps of specialists in the field gathering facts and which is now ready to issue its findings in an 800-page report entitled "The problem of Indian administration." The section on "Education" may be summarized as follows:

The first questions that many people ask are these: "Can the Indian be educated? Is it worth while to do anything or are the Indians an inferior race?" The answer of the Institute for Government Research is that unquestionably the Indian is capable of education. Many individual Indians have made marked progress and compare favorably with successful white men. The testimony of teachers who have taught both white and Indian children is overwhelmingly to the effect that Indians do reasonably well in school, and that the few difficulties in their instruction are mainly the result of the economic and social conditions of the Indian families and not of any mental deficiencies on their part. The survey staff has reviewed the results of modern mental tests which have been given Indian children, and this evidence bears out the testimony of the teachers that Indian children have the mental capacity for education. The tests show that the Indian children are only slightly below white children in intelligence and the slight difference found may be due in part to the handicaps under which the race has labored.

The Institute for Government Research emphasizes the fact that the traditional school system of the whites is not immediately applicable to the needs of Indian children. For years to come it will be necessary for the National Government to provide schools for them, and even when the Indians are placed in local public schools it will be necessary for the National Government to render special service to them. The institute commends the recent movement on the part of the Indian Service toward placing Indians in public schools, provided this necessary supplemental service is furnished adequately. Because of the great importance of this supplemental service it recommends caution and conservation in placing Indian children in public schools.

The great need of the Federal Indian school system is a marked improvement in the personnel. Because of the low salaries and the unfavorable working conditions, the Indian Service has, as a rule, been unable to attract the best of the younger teachers. Although it has some good teachers, the general level is below that in the schools of progressive white communities. Low salaries have made it necessary for the Indian Service to adopt low entrance qualifications.

In an effort to maintain educational standards with an inadequate personnel the Indian Service resorted some years ago to a uniform course of study for all Government Indian schools, even going so far as to send out uniform examination questions from Washington. In place of attempting to maintain standards through a uniform course of study the institute recommends that the Indian Service adopt the only device that has been found successful by progressive white communities, namely, that of maintaining high entrance qualifications for teachers and supervisors so that the local staff will be qualified to adapt the educational system to the needs of the particular Indians being taught. It recognizes frankly that this course can not be followed unless the Government is prepared to adopt a salary scale for Indian school-teachers and supervisors comparable with those in progressive white communities.

A movement away from boarding schools has been in progress in the Indian Service for several years. The institute recommends that this movement be expedited. To get young children out of boarding schools in so far as possible, the institute recommends increasing the number of grades in existing day schools, developing new day schools wherever possible, and a judicious placing of Indian children in local public schools with necessary supplemental service. Thus a far larger number of Indian children can remain with their families and the families will be educated along with their children, whereas the boarding schools tend to educate the children away from their families and create a serious problem when, after several years away at school, the child returns to its home entirely out of touch with its family and its mode of life.

For some years to come boarding schools will be necessary to supply educational facilities for the older children who are ready for higher grades and for special training which can not be supplied locally, and to a limited extent for the younger children who can not reach any local school. The institute recommends changes in the boarding schools, which will require an increase in the qualifications of the personnel.

Broadly speaking, the position of the institute on the education of the Indians is that their primary need is development of initiative and responsibility in the individual. The schools should give maximum opportunity for the development of these qualities. The present tendency of the boarding schools is toward mass handling of the pupils, with individuality suppressed by the institutional routine. Almost everything is done according to schedule on signal and the pupils have almost no

experience in directing their own efforts and managing their own affairs. Even in the highest grades they are subject to the same discipline and routine until the day of their graduation, when they find themselves free from all control, with no guided experience in directing their own activities. The institute takes the position that if the schools are to be effective the routinization must be largely eliminated and that attention to the individual must be stressed.

4. PRODUCTIVE LABOR

An increase in productive labor on the part of the Indian is a fundamental necessity if he is to live on a basis that will provide even the minimum standard of health and decency required by civilization.

Such is the conclusion reached by the Institute for Government Research which, through funds provided by John D. Rockefeller, jr., recently completed an exhaustive, two-year study of the Indian problem. The findings and recommendations are given out by Secretary Hubert Work, of the Department of the Interior, at whose request the study was made. The section on Indian industrial activities may be summarized as follows:

The income of the typical Indian family is low and the earned income approaches the vanishing point. The Indian has not become a worker. From the standpoint of the white man the typical Indian is not industrious, nor is he an effective worker when he does work. He generally ekes out an existence through unearned income from leases of his land, the sale of land, per capita payments from tribal funds, or, in exceptional cases, through rations given him by the Government. The number of Indians who are supporting themselves through their own efforts, according to what a white man would regard as the minimum standard of health and decency, is small. What little they secure from their own efforts or from other sources is rarely effectively used.

The economic basis of the primitive culture of the Indians has been largely destroyed by the encroachment of white civilization. The Indians can no longer make a living as they did in the past by hunting, fishing, gathering wild products, and the limited practice of primitive agriculture. The social system that has evolved from their past economic life is not suited to the conditions that now confront them, notably in the matter of the division of labor between men and women.

Several past policies in dealing with the Indians were of a type which, if long continued, would tend to pauperize any race, notably the practice, now abandoned except under special circumstances, of issuing rations to able-bodied Indians. The policy of giving their lands to Indians in individual ownership often has worked out in such a way that the Indians have been able to eke out a scanty existence without labor by selling or leasing the land allotted to them or inherited from Indians to whom it has been allotted. The distribution of tribal funds has also encouraged life without work.

On a few reservations energetic and resourceful superintendents with a real faculty for leadership have demonstrated that the economic education of the Indian is possible. On the whole, however, the problem of converting the Indian into a productive worker has presented so many difficulties that they have not been generally met. By and large he remains a purposeless idler on the reservation who by his own efforts contributes little to the support of himself and to his family. Even under the best conditions it is doubtful whether a well-rounded program of economic advancement planned with due consideration of the natural resources of the individual reservation has anywhere been thoroughly tried out.

The Institute for Government Research stresses the need for an employment service for Indians, particularly vocational guidance for the boys and girls leaving Indian school, some of whom have been recently placed in this way. It says that although the problem of the returned student has been much discussed, the Indian Service has lacked the funds to aid the children when they leave school either to find employment away from the reservation or to return to their homes and work out their own salvation there. It has not subjected its schools to the test of having to show how far they have actually fitted the Indian children for life. Such a test would undoubtedly have resulted in a radical revision of the industrial training offered in the schools. Several of the industries taught may be called vanishing trades and others can not be followed in a white community in competition with white workers without a period of apprenticeship. No adequate arrangements have been made to secure the opportunity of apprenticeship.

Little has been done on the reservations toward finding profitable employment for Indians. In a few jurisdictions labor services are maintained chiefly engaged in recruiting Indians for temporary unskilled labor. This employment service is largely mass work, not individualized, and it does not often seek to find the Indian an opportunity for a permanent position that offers him a chance to work up or one that will arouse his interest.

The study made by the institute of the Indians who have migrated to industrial communities shows that most Indians make satisfactory employees. The reports of their employers are almost invariably favorable. Little race prejudice against them was encountered, and they generally can get employment and secure living conditions commensurate with their earning capacity. They are not skilled or experienced in bargaining and in finding positions. Once they get a position they are generally steady and reliable and possibly too willing to work on at the initial rate of pay.

The majority of Indians who work are engaged in some form of agriculture, and the survey recommends that both at the schools and on the reservations the work of preparation along these lines be strengthened. The Indian Service has long had positions for "farmers" to help the Indians in agriculture, but the majority of these employees would be more accurately termed field clerks or agricultural laborers. They are not trained as agricultural teachers or demonstrators and their qualifications are markedly below those of agricultural demonstrators supplied to white communities. The salaries paid are too low generally to attract men competent to do the work. The salaries of these employees should be raised and competent people obtained, which can not be done at present rates of pay.

The work of investigating the economic conditions of the Indians was done mainly by Prof. E. E. Dale, of the University of Oklahoma; Dr. W. J. Spillman, of the United States Department of Agriculture; Miss Mary Louise Mark, professor of sociology of Ohio State University; and Lewis Meriam, of the regular staff of the institute, the technical director of the survey. The study of migrated Indians was made by Miss Emma Duke, a widely experienced investigator of the economic and social conditions of working people.

5. FAMILY AND COMMUNITY LIFE

The aboriginal Indian family has not adjusted itself to the requirements of life in contact with the white race and is failing to contribute as it should to the well-being of its members. Community activities that existed before the white man came have largely disappeared, but little of a helpful nature has been introduced to take their place. Home and community life among the Indians has become worse instead of better.

These are the facts as set down by the Institute for Government Research in its 800-page report of a study initiated two years ago by Secretary Work, of the Department of the Interior, which is issued this week. The section on family and community life may be summarized as follows:

Conditions have tended toward the weakening of Indian family life and community activities rather than toward strengthening them. Removing Indian children from their homes and placing them in boarding schools tends to disintegrate the family and interferes with developing normal family life. The belief has apparently been that the shortest road to civilization is to take children away from their parents and in so far as possible to stamp out the old Indian life.

The Indian community activities particularly have tended to disappear. The fact has been appreciated that both the old Indian family life and the community activities have many objectionable features in a modern civilized setting. There may have been justification for breaking them up but, unfortunately, nothing has been provided to take their place. Thus, the Indian has been left adrift.

The Indian Service lacks a personnel trained and experienced in educational work with families and communities. The result is the almost total absence of well-developed programs for the several jurisdictions specially adapted to meet local conditions. For many years the service has had positions for "field matrons" employed especially to work with families, but the salaries and the entrance qualifications have been so low that the competent field matron able to plan and apply a reasonably good constructive program is the rare exception. Superintendents are also as a rule weak in this branch of their work, and the central office is not adequately equipped to direct and supervise these highly important activities.

The majority of Indian homes are characterized by dirt and confusion, although on every reservation exceptions are found, and among some Indians the exceptions are many. The Hopis, Zunis, and especially the Rio Grande Pueblos, value neatness and order and make much of their walls and floors. They are, broadly speaking, the best of the Indian housekeepers. Some homes reflect the beneficial results of good home economics training in Government and mission schools and the work of the exceptional field employees. In justice to the Indian housewives it must be said that the conditions under which most of them live make cleanliness and order difficult to achieve. Poor housing conditions are in many cases the result of extreme poverty and are beyond the control of the Indians.

Sanitary facilities are generally lacking. Except among the relatively few well-to-do Indians the homes seldom have a private water supply or any toilet facilities whatever. Even privies are exceptional. Water is ordinarily carried considerable distances from natural springs or streams or occasionally from wells. In many sections the supply is inadequate, although in some jurisdictions the Government has materially improved the situation, an activity that is appreciated by the Indians.

A tremendous obstacle to the economic and social development of the Indians lies in the fact that the division of labor between men and women, under which the women do most of the work, is inapplicable under the economic system of to-day. The duties of the men were hunting, fishing, and fighting; the women generally made and

kept the houses, prepared the food and clothing, and did such agricultural work as was done. To-day, in some jurisdictions, the Government encounters difficulty in getting the men to do productive work in agriculture because they regard it as the women's work. The men rarely do work in maintaining and improving their homes, probably for the same reason.

The institute takes the position that the effective approach to the problem of advancing the social and economic condition of the Indians is through the family and the Indian community, and that the work must be done by a trained, competent personnel, materially better qualified than most of the employees in the Indian Service now engaged in such activities.

The situation with respect to marriage and divorce among the Indians is in general highly unsatisfactory. The restricted Indians are not subject to State law in this matter and no national law is applicable, except that children born to marriages made according to Indian custom are by law declared legitimate for purposes of inheritance. Many of the cases that come before the courts of Indian offenses maintained by the Government at certain agencies involve domestic relations, and ofter superintendents at other agencies are seriously perplexed by what in white communities would be serious breaches of the law. The institute believes that among the more primitive tribes for many years to come it will be impracticable to apply and enforce State laws governing domestic relations. Among the tribes that are far advanced and are living in close proximity to white communities it believes that the Indians should be made subject to the State laws respecting marriage and divorce. It recommends legislation permitting the President or the Secretary of the Interior to classify jurisdictions and where the Indians are sufficiently advanced to make them subject by proclamation to the State laws respecting marriage and divorce.

The breaking off of marital relationship does not cause as many difficulties for children among the Indians as it does among the whites, because other relatives are generally quick to assume the responsibilities and it is not at all unusual to find fathers and mothers supporting their daughters and their daughters' children, while many of the group have those the others do not want. Frequently the energetic progressive Indian is feeding and maintaining his less progressive neighbors.

The specialist on the survey staff studying family and community life and the activities of Indian women was Mary Louise Mark, professor of sociology at Ohio State University. R. A. Brown, assistant professor of law at the University of Wisconsin, was the specialist on the legal aspects of the Indian survey.

6. PERSONNEL

An improved personnel in the field, made possible by more adequate appropriations, in accordance with the recommendations being made by Secretary Work in his last annual report, is the key to the Indian problem, according to the report of the Institute for Government Research recently submitted to Secretary Work of the Department of the Interior. The section on personnel may be summarized as follows:

The chief explanation of the deficiency in the work of the service lies in the fact that not enough money has been provided to permit the service to employ an adequate personnel properly qualified for the task before it. The service has been held too closely to a mere administration of Indian affairs and the central staff consists mainly of persons with administrative experience rather than technical and scientific training for planning and developing a broad educational program made up of persons properly trained to render the special services required. The Indian Service has not been able, because of lack of sufficient funds, to keep abreast of the progress made by other agencies concerned with education, the promotion of health, and the advancement of the social and economic condition of a people.

The Institute for Government Research specially recommends the development of cooperative relationships with other organizations, public and private, which can be of material aid in educational work for Indians. It commends the action of Secretary Work in enlisting the cooperation of the United States Public Health Service and in calling upon the Department of Agriculture for a representative on his fact-finding committee to study irrigation. It believes that this idea of cooperation with other agencies of Government should be further developed.

Cooperation with State and local governments offers outstanding possibilities, because the Indians will ultimately merge with the population of the States wherein they reside, and every forward step taken cooperatively will simplify and expedite the transition. Considerable progress has been made by the Bureau of Indian Affairs in getting Indian children into public schools. Progress has been made in cooperation with the States of California, Minnesota, Oregon, Washington, and Wisconsin during the past two years. Had the Indian Service the funds and the personnel to devote to effective cooperation with the governments of these States it could go a long way toward writing the closing chapters of Federal administration of the affairs of the Indians.

To make such cooperation effective the service will require trained and experienced specialists whose standing in their fields will enable them to plan and develop such cooperative relationship.

The Indian Service can not expect to secure the necessary specialists or properly trained field workers for the salaries it is now able to pay, nor can it expect well-trained, competent employees to remain in the Indian country unless better working conditions are provided for them. The Government, the report says, must appreciate that at best the conditions will be hard, especially for employees with families. The living quarters furnished should be reasonably comfortable. Few field employees outside of the office can hope to restrict their activities to an 8-hour day or secure regularly and uniformly one day's rest in seven. The effort should be made to approximate these standards through an increase in personnel and definite provisions for relief from duty. Special effort should be made to see that employees take vacation leave each year and that they have opportunity to maintain the contacts necessary to keep abreast of developments in their special lines of work.

Those employees who are required to drive about the reservations in all kinds of weather should be provided with closed cars in good condition or they should be permitted to use their own cars and charge the Government for mileage at a reasonably liberal rate, with due consideration of the nature of the service required of the car. The survey found no evidence to substantiate the charge that the employees are furnished with fine cars at Government expense. The cars used are instead the subject of severe criticism.

The Institute for Government Research particularly stresses the importance of character and personality for positions that involve direct contact with the Indians. Persons who are to remain in the Indian Service must respect the Indians and have confidence in them, for, as the report says, "To lift a people up and look down on them at the same time is not possible, nor can one without respect for a people and faith in their future inspire them to self-respect and faith in themselves."

A better grade of employees can be secured only by providing more adequate pay, which will require larger appropriations by Congress. A better staff in the field can be maintained only by providing comforts comparable with those its members would find in similar employment elsewhere. Many of the stations are in isolated regions, which call for certain sacrifices. Every effort should be made to compensate employees for these sacrifices by making the isolated posts attractive. Quite the contrary is usually the fact.

Last year the Secretary of the Interior called the attention of Congress to the "turnover" of employees in the Indian field service for the fiscal year 1927. For physicians it was 56 per cent, for nurses 122 per cent, for teachers 48 per cent. The average turnover for all permanent employees in the Indian field service during that year was 67 per cent. "These figures," the Secretary stated, "can not be ignored. They are a definite expression of the conditions underlying the so-called Indian problem and have their origin in shortage of funds. The constant capitulation between necessities and means brings despair to those engaged in the work, because the necessities of the human element in the Indian Service should dominate."

7. RECOMMENDATIONS

The task of the Indian Service should for the future be primarily educational rather than administrative. It should devote its main energies to the social and economic advancement of the Indians. It should fit them to be absorbed into the prevailing civilization. The organization of the Indian Service should be so changed that its efforts are directed to those ends. These are the recommendations of the Institute for Government Research, which, at the request of Secretary Work, of the Department of the Interior, has just completed the most exhaustive study of the Indian problem ever made. The recommendations of the institute may be further summarized as follows:

The service should lay down a comprehensive, well-rounded educational program, adequately supported, which will place it at the forefront of organizations devoted to the advancement of a people. This program must provide for the promotion of health, the advancement of productive efficiency, the acquisition of reasonable ability in the utilization of income and property, and the maintenance of reasonably high standards of family and community life. It must extend to adults as well as to children, and must place special emphasis on the family and the community.

Since the majority of the Indians are ultimately to merge into the general population, the program should cover the transitional period and should endeavor to instruct the Indians in the utilization of the services provided by public and quasi-public agencies for the people at large, in exercising the privileges of citizenship and in making their contribution in service and taxes for the maintenance of the Government. By improving the health of the Indian, increasing his productive efficiency, raising his standard of living, and teaching him the necessity for paying taxes, it will remove the main objections now advanced against permitting Indians to receive the full benefit of services rendered by progressive State and local governments for their populations. By actively seeking cooperation with State and local governments and by making a fair contribution in payment for services rendered by them to untaxed Indians, the National Government can expedite the transition and hasten the day when there will no longer

be a distinctive Indian problem and when the necessary governmental services are rendered alike to whites and Indians by the same organization without discrimination.

To plan and develop such a broad educational program obviously requires the services of a considerable number of persons expert in the special fields of activity which are involved in it. The Indian Service as it is at present organized does not possess such a staff. The present staff consists mainly, but not entirely, of persons with administrative experience rather than technical and scientific training for planning and developing a program in specialized fields. The institute, therefore, recommends that the Secretary of the Interior ask Congress for an appropriation of at least $250,000 a year to establish in connection with the central office, but with many duties in the field, a scientific division of planning and development.

The functions of the division should be—

First. To advise the Commissioner of Indian Affairs in matters requiring technical or scientific knowledge of particular problems.

Second. At the request of the commissioner and subject to his approval, to formulate programs and develop policies to be carried out by administrative officers or to assist in planning cooperative programs with State and local authorities or with missionary organizations or other private agencies.

Third. To visit schools and agencies and to report to the commissioner upon the effectiveness of the administration in those branches of the work that are professional, technical, or scientific in character.

Fourth. To visit schools and agencies to advise and counsel with superintendents and other employees regarding the development and improvement of these specialized activities.

Fifth. Upon direction of the commissioner to investigate and hold hearings upon matters of special complaint that involves technical or scientific subjects.

The division would operate on the project or assignment basis. For the development of fundamental programs for important jurisdictions committees would be organized, primarily from this division, but often including administrative officers, and these committees would together formulate the recommendations after thorough field surveys.

The establishment of the division of planning and development is the first need of the Indian Service. The second is the enormous strengthening of the personnel in immediate contact with the Indians. The Indian Service, because of low salaries and low appropriations, has been attempting to conduct its activities with a personnel inadequate in number and as a rule not possessed of the requisite for the efficient performance of their duties. Little progress can be expected until this situation has been remedied. Salaries in the Indian Service, especially the field service, must at least be fairly comparable with those paid by other branches of the Government service. Not only should entrance salaries be sufficiently high to attract a reasonable number of properly qualified applicants, but a fairly liberal scale of salary advancements should be adopted to reward efficiency and to hold competent employees. A high turnover among the field employees of the Indian Service will jeopardize the success of any program however well designed.

An appropriation of approximately a million dollars is urged by the institute to improve the quantity, quality, and variety of diet available for Indian children in boarding schools.

The institute appreciates that its detailed recommendations designed to make the Indian Service an efficient educational organization will involve a material increase in the Federal appropriation for the Indians. The present appropriations total approximately $15,000,000. For several years to come the additional amount required will be almost as much as the present appropriation. The position taken is that it is a sound policy of national economy to make generous expenditures in the next few decades with the object of winding up the national administration of Indian affairs. The people of the United States have the opportunity, says the institute, if they will, to write the closing chapters of the history of the relationship of the National Government and the Indians. The early chapters contain little of which the country may be proud. It would be something of a national atonement to the Indians if the closing chapters should disclose the National Government supplying the Indians with an Indian Service which would be a model for all governments concerned with the development and advancement of a retarded race.

FURTHER MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12030) entitled "An act to amend Title II of an act approved February 28, 1925 (43 Stat. 1066, U. S. C., title 39), regulating postal rates, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to bills of the following titles:

S. 374. An act for the relief of Lulu Chaplin;

S. 1122. An act for the relief of S. Davidson & Sons;

S. 1287. An act for the relief of the Near East Relief (Inc.);

S. 1434. An act for the relief of Mattie Holcomb; and

S. 3868. An act authorizing an advancement of certain funds standing to the credit of the Creek Nation in the Treasury of the United States to be paid to one of the attorneys for the Creek Nation, and for other purposes.

BILLS AND JOINT RESOLUTIONS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles, when the Speaker signed the same:

H. R. 4963. An act for the relief of the Randolph-Macon Academy, Front Royal, Va.:

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

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. 10714. An act for the relief of T. Abraham Hetrick;

H. R. 12110. An act to amend the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922, as amended;

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 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;

H. R. 13446. An act to amend the national defense act;

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;

H. J. Res. 140. Joint resolution to amend sections 1 and 2 of the act of March 3, 1891;

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

H. J. Res. 318. 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).

The SPEAKER announced his signature to enrolled bills and joint resolutions of the Senate of the following titles:

S. 162. An act for the relief of William M. Sherman;

S. 342. An act for the relief of George B. Booker Co.;

S. 362. An act to provide for the advancement on the retired list of the Navy of Lloyd Lafot;

S. 379. An act for the relief of William R. Boyce & Son;

S. 445. An act for the relief of the Florida East Coast Car Ferry Co.;

S. 456. An act to carry out the findings of the Court of Claims in the case of Edward I. Gallagher, of New York, administrator of the estate of Charles Gallagher, deceased;

S. 1217. An act for the relief of Albert Wood;

S. 1646. An act for the relief of James M. E. Brown;

S. 1955. An act for the relief of Lieut. Charles Thomas Wooten, United States Navy;

S. 2227. An act for the relief of F. L. Campbell;

S. 2306. An act for the relief of William E. Thackrey;

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

S. 2586. An act for the relief of the owner of the Coast Transit Division barge *No. 4*;

S. 2733. An act for the relief of Joseph Cunningham;

S. 3308. An act to confer jurisdiction on the Court of Claims to hear and determine the claim of John L. Alcock;

S. 3338. An act authorizing the sale of certain lands on Petit Jean Mountain near Morrilton, Ark., for use by the Young Men's Christian Association of Arkansas;

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

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

S. J. Res. 46. Joint resolution 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; and

S. J. Res. 120. Joint resolution authorizing the Secretary of War to lease to the New Orleans Association of Commerce New Orleans Quartermaster Intermediate Depot Unit No. 2.

AGRICULTURE AND THE TARIFF

Mr. GARBER. Mr. Speaker, I ask unanimous consent to address the House for a short time.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. GARBER. Mr. Speaker, also to extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. GARBER. Mr. Speaker, the story goes that once upon a time a traveler journeyed from Jerusalem down to Jericho. While on his way, he was assaulted, robbed, wounded, and left for dead. A good Samaritan came along, picked him up, took him to a wayside inn, and paid the landlord for his lodging.

Financially speaking, in the fall of 1920, the farmer was found in the condition of the traveler on that ancient journey. Likewise he was the victim, left by the wayside, wounded and helpless, and so nearly dead that when the good Samaritan came along in 1921 he did not know whether to call an undertaker or an ambulance! But "where there is life there is hope," and so the pulmotor and first-aid remedies were applied. Uncle Sam, the good Samaritan, himself a little wobbly from similar treatment, resorted to every approved remedy until finally the patient revived and has been convalescing ever since—not fully restored, but coming strong!

There is just one danger of a backset before complete recovery. The quack doctors are camping in his barnyard. They say: "You are not improving. You have 'chronic surplus.' You ought to have been well long ago. Try our remedy. We guarantee a cure."

But they are the same fellows who held him up in the first instance and left him by the wayside. They gave him expansion to win the war with restriction on price, McAdoo freight rates to market, free trade in foreign farm products, and deflation—a concoction of quack remedies that would kill anybody except the farmer!

EFFECT OF UNDERWOOD ACT

Free trade in foreign farm products was embodied in the Underwood Act of 1913, and immediately the devastating tides of foreign produce poured into our markets. The following comparative table, showing rates on principal agricultural commodities under the Underwood Act and under the Fordney-McCumber Act, emphasizes the extent to which foreign competition with American farmers in our home market was fostered and encouraged under a Democratic administration:

Comparison of tariff rates on agricultural products under the Underwood and the Fordney-McCumber laws

Commodity	Underwood Act	Fordney-McCumber Act
Cattle	Free	1½ cents to 2 cents per pound.
Sheep and goats	do	$2 per head.
Fresh lamb	do	4 cents per pound.
Fresh mutton	do	2½ cents per pound.
Fresh beef and veal	do	3 cents per pound.
Fresh pork	do	¾ cent per pound.
Hogs	do	½ cent per pound.
Bacon, hams, etc.	do	2 cents per pound.
Lard	do	1 cent per pound.
Butter	2½ cents per pound	8 cents per pound (increased to 12 cents per pound under flexible provisions of the act).
Oleomargarine and other butter substitutes.	do	8 cents per pound.
Cheese and substitutes	20 per cent	5 cents per pound but not less than 25 per cent. (Under flexible provisions of the act, duty on Emmenthaler type of Swiss cheese increased to 7½ cents per pound, but not less than 37½ per cent.)
Cream	Free	20 cents per gallon.
Milk	do	2½ cents per gallon.
Poultry, live	1 cent per pound	3 cents per pound.
Poultry, dead, dressed or undressed.	2 cents per pound	6 cents per pound.
Eggs	Free	8 cents per dozen.
Corn	do	15 cents per bushel.
Oats	6 cents per bushel	15 cents per bushel.
Rye	Free	Do.
Wheat	Free (except to countries imposing duty on similar importations from United States).	30 cents per bushel (increased to 42 cents per bushel under flexible provisions of the act).

Comparison of tariff rates on agricultural products under the Underwood and the Fordney-McCumber laws—Continued

Commodity	Underwood Act	Fordney-McCumber Act
Rice:		
Brown (hulls removed)	5/8 cent per pound	1¼ cents per pound.
Broken, and meal, flour, polish, and bran.	¼ cent per pound	½ cent per pound.
Milled (bran removed)	1 cent per pound	2 cents per pound.
Paddy or rough	3/8 cent per pound	1 cent per pound.
Peanuts:		
Not shelled	do	3 cents per pound.
Shelled	¾ cent per pound	4 cents per pound.
Walnuts:		
Not shelled	2 cents per pound	4 cents per pound.
Shelled	4 cents per pound	12 cents per pound.
Cottonseed	Free	¼ cent per pound.
Flaxseed	20 cents per bushel	40 cents per bushel.
Potatoes	Free (except to countries imposing duty on similar importations from United States).	½ cent per pound.
Hay	$2 per ton	$4 per ton.
96 per cent sugar, Cuban	1.0048 cents per pound	1.7648 cents per pound.
96 per cent sugar, other	1.256 cents per pound	2.206 cents per pound.
Wool (other than carpet wool)	Free	31 cents per pound (clean compent).

The "tariff for revenue only" policy opened our gates wide to foreign products. Fundamentally it was free trade, with an incidental duty now and then for "revenue only," and it plunged us into a period of economic depression almost unequaled in our entire history.

In the first 12 months of the Underwood tariff law there was imported $350,000,000 worth of grain, potatoes, hay, butter, cheese, eggs, poultry, meat, cattle, horses, sheep, wool, and hides, more than the aggregate importations of like products during the entire preceding Republican administration.

WAR TEMPORARILY AVERTED ECONOMIC DISASTER

It was in the midst of such an alarming influx of foreign products that war plunged the world into chaos and in this greater confusion, our own was temporarily eclipsed. The tremendous requirements of the European countries that entered war in August, 1914, diverted consignments from our ports and absorbed most of the surplus food and clothing products of the world.

But the aversion of disaster was only temporary. The close of the war came abruptly. Foreign nations began to cast about for markets for the vast accumulation of agricultural products which filled their storehouses. The gates into the most prosperous country in the world, the only Nation which could afford to buy these accumulations and pay for them, were still open. The deluge began again. Already loaded with the accumulations from our own farms, our markets collapsed under the burden of increased foreign farm products and the whole country was inundated with the wreckage. The purchasing power or exchange value of agricultural commodities as a whole compared with the exchange value of other commodities fell from 108 per cent of pre-war values in the spring of 1920 to 69 per cent in 1921.

In two short years the value of farm products depreciated 107 per cent, and that at the very time our exports of farm products were the largest in our history. With all basic farm products on the free list of the Underwood Act, foreign farm products flooded our markets and farm prices here hit the rock bottom of the much-vaunted world market prices. As a consequence the gross wealth produced by farmers dropped from $23,783,000,000 in 1919 to $12,366,000,000 in 1921. The farmers received just about half as much for the big crops of 1921 as they received for the big crops of 1919. Factories shut down and bread lines came back with 5,000,000 men out of employment representing a population of 15,000,000. At the local markets wheat sold for 65 and 68 cents per bushel; corn, 10 and 12 cents per bushel; hogs, $2 and $2.50 to $3 per head; cows, $8 per head; and all other products in proportion.

The emergency tariff act which became effective in May, 1921, was hurriedly enacted, but the damage had been done. American agriculture lay prostrate. In a report of the United States Tariff Commission on the emergency tariff act, the commission found that it was passed in the midst of the greatest decline of prices that had occurred in many years.

DESCRIPTION OF CONDITIONS UNDER UNDERWOOD ACT

Representative JAMES W. COLLIER, a Democratic leader in the House of Representatives, presented to that body on July 11, 1921, a stirring picture of the times:

Here at home our troubles are economic rather than social or political. Our agricultural products are selling below the cost of their production. The purchasing power of our people is also greatly curtailed. Railroad

rates are an embargo on business. Thousands are out of employment. Wages are being continually lowered. Bank credits are restricted. Our surplus products and manufactured articles are piling high for export, but there is no place for them to go. Our factories are idle and many of them closing down, for there are no purchasers to buy. Our foreign market is decreasing, because the foreigner is unable to pay for what he wants. Our warehouses are full to overflowing with cotton, wool, and other products for lack of both a home and a foreign market.

MEANING OF "TARIFF FOR REVENUE ONLY" OR "COMPETITIVE TARIFF"

The foregoing is a realistic description of the actual conditions resulting from the policy of a "tariff for revenue only" or a "competitive tariff." It brought us world competition at home, and that is what the terms mean. It is why they use the word "only" when they say they stand for a tariff for revenue. It is tariff for revenue without protection and for revenue "only." It means the same thing as a "competitive tariff," which is a rate so low that it does not include any protection or any advantage to the home producer. It admits the foreign producer with his cheap labor to our market upon a dead level with our own producers, so that the foreign producer stands upon an equality in competition with our home producers. The foreign producer pays no taxes here. Why should he be granted such privilege?

REPUBLICAN RECONSTRUCTION UNDER PROTECTIVE TARIFF

In the collapse of agriculture the entire economic structure trembled and chaos and commercial disruption reared its black head over the land. The emergency tariff kept our farmers from being trampled after they were down; it was powerless to raise them at once from their stricken condition.

The Fordney-McCumber law became effective in September, 1922. It embodied the farm schedules and rates in the emergency act of the year before. The recommendations of the farm organizations as to rates were again incorporated in the law. At that time they appeared to be sufficiently high to afford ample protection. In fact, they were so high that the Democrats said they were prohibitive. They denounced the act as a "prohibitive tariff" and maintained that it would kill our foreign trade, deprive us of needed revenues, and force the Government to issue bonds to pay its running expenses.

In his speech of July 9, 1921, opposing the passage of the Fordney-McCumber bill in the House, WILLIAM OLDFIELD, present chairman of the Democratic national congressional committee, said:

> If this bill becomes a law the Atlantic and Pacific Oceans had just as well be oceans of fire instead of great highways of commerce as God intended.

Did these prophecies come true? Just the reverse.

M'CUMBER TARIFF LAW AS A REVENUE PRODUCER

The present tariff rates yield annually about $600,000,000, an enormous sum, which marks the McCumber Tariff Act as the greatest revenue producer in our tariff annals. Instead of voting bonds to pay the running expenses of the Government, we have been paying our outstanding bonds at the rate of a billion dollars per year, cutting down interest and taxes to directly benefit every citizen.

COMPETITION IN HOME MARKET

After its enactment, the flood of foreign goods was partially stayed for a time, but as production increased abroad foreign products gradually increased each year in our home market and depressed our home prices, continuing the problem of the surplus through the years.

In the fiscal year ending June 30, 1926, foreign producers, after paying the duties, flooded our home market with a total of more than $3,500,000,000 worth of raw and manufactured animal and vegetable products, of which about $1,000,000,000 represented imports of tea, coffee, cocoa, rubber, and other farm products that America can not raise or for which we can not provide workable substitutes, leaving a balance of $2,500,000,000 worth of agricultural and animal imports in actual competition with the products of our farms, a drain of $2,500,000,000 on the potential prosperity of our agricultural population.

The total duties collected on all importations in 1926 amounted to $590,045,299, or 39.34 per cent of the value of all dutiable importations, and the revenue derived from imports of agricultural products for the same year was approximately $289,623,534, or about 44.49 per cent of the value of dutiable agricultural imports.

The one redeeming feature about such a trade was the revenue flowing directly into the United States Treasury and being applied to the reduction of our national debt, the benefits going directly to all the citizens of our country. Under the policy of free trade in farm products, such revenues would not have been received and the rapid reduction on our national debt would not have been made. In other words, from the standpoint of the national revenues alone, if the Underwood Act had been in effect during that year, it would have deprived us of approximately $289,623,534, which amount would have been but small compared to the disastrous consequences to our home market in flooding it with foreign goods and depressing still further the price of home products.

THE FLOOD OF FOREIGN FARM PRODUCTS

In 1927 there was imported into the United States $21,018,804 worth of cattle; $8,769,819 worth of fresh beef, veal, mutton, lamb, and pork; $1,372,649 worth of poultry, dead and prepared; $8,324,595 worth of canned and prepared meats; $5,174,376 worth of eggs and egg products; dairy products valued at $36,964,435; $2,414,429 worth of rice, rice flour, and meal; $15,389,918 worth of wheat and wheat flour; fodders and feeds valued at $11,239,429; onions worth $2,661,648; $5,247,293 worth of potatoes; $4,544,277 worth of tomatoes; canned tomatoes and tomato paste valued at $6,794,697; $1,632,472 worth of lemons; peanuts worth $1,830,121; walnuts with a valuation of $7,942,430; oil seeds worth $64,283,214; $270,870,997 worth of sugar and related products; tobacco and manufactures worth $82,984,193; $82,932,956 worth of unmanufactured wool; unmanufactured flax valued at $2,153,960; unmanufactured cotton to the value of $45,668,726; and $66,195,850 worth of cotton manufactures and semimanufactures.

From Canada our importations of cattle and fresh meats skyrocketed in 1927 at a dizzying rate. From that country we imported nearly three times as much fresh beef as we did in 1926, more than twice as much fresh veal, nearly seven times as much mutton, and increased our importation of fresh pork nearly 70 per cent.

Wool from Australia and the United Kingdom; sugar from Cuba and the Philippines; cotton from Egypt, China, and Mexico; tobacco and manufactures from Cuba, the Netherlands, Greece, and Turkey; meat from Canada; cheese from Italy and Switzerland; butter from New Zealand, Denmark, and the United Kingdom; peanut oil and low-grade eggs from China; coconut oil from the Philippines; and flax, fruit, vegetables, rice, nuts, vegetable oils, and many other products from up and down the wide earth enter our markets annually to compete with our home products, diverting a veritable stream of gold into the pockets of foreign producers.

Last year we sold to foreign countries a slice in our dairy market worth $36,964,435 for the sum of $8,782,556 in duties collected. We imported hundreds of millions of pounds of vegetable oils. Add our enormous cheese imports to the portion of these oils that is made into butter and it means the displacement of about 800,000 cows that might be making a home market for alfalfa, corn, and other feeds. In addition, we imported more than 8,000,000,000 pounds of sugar, the wool clip of 26,000,000 sheep, and the egg yield of several million hens, ruthlessly narrowing the home market for these products to our own farmers and cutting down the opportunity for diversification on the farm.

Under the protection of the Fordney-McCumber Act, the sheep-raising industry has developed rapidly, affording as it does a dependable source of revenue to the average small farmer, and the pockets of the wool producers are enriched by approximately $150,000,000 annually. The consumption of mutton and lamb is increasing and tending to displace beef and veal in our dietary systems and with the expansion of this market, increased protection is imperative for our own farmers. Last year we shared this market with foreign nations to the extent of 267,209,564 pounds of unmanufactured wool and 2,645,677 pounds of mutton and lamb, worth a total of $83,368,709. American farmers are entitled to these outlets; the enormous profits gorged by foreign interests in our agricultural markets are theirs by every right of heritage. Our tariff rates must be raised to shut out these foreign surpluses which congest our markets and every avenue and channel of trade.

VALUE OF HOME MARKET

Our farmers must be protected in their own rights, their rights in the home market, worth more to them than the entire markets of the world. In 1926 we exported $4,808,660,000 worth of goods and imported goods to the value of $4,430,900,000, roughly about 16 per cent of the total international trade, which amounted to $58,758,800,000 for the same year. But the annual productivity of the United States approximates $70,000,000,000, an amount greater than the total trade of the markets of the world.

The trading in this home market in 1927 amounted to $68,173,200,000, while our trading in foreign countries amounted to $4,758,314,014. Which market is the more important? Which should have prior and preferential consideration? Do we want to give up the home market, amounting to $68,173,200,000 annually, and take a chance on the foreign market, worth to us not to exceed $5,000,000,000?

During 1927 we sold to foreign countries $4,758,314,014 worth of domestic merchandise, representing about 6 per cent of our

total production. Where did we sell the rest? In what market did we sell 94 per cent? Who bought it? Who had the money to pay for it? Whom did they pay? We sold the 94 per cent at home. Our own people purchased it, used it, enjoyed it. They paid for it. It was trading among ourselves, with each other, working for each other, patronizing each other, giving each other the job, helping each other along, giving each other the opportunity to live and enjoy this great country with its glorious institutions.

THE SOUTH NEEDS PROTECTION

The doctrine of protection has become so essential to the development of all sections of the country that it is being recognized even in the southern districts, where they are feeling the pinch of competition in cotton, tobacco, rice, peanuts, peanut oil, citrus fruits, and other products. The South has made amazing industrial progress during recent years in the rapid expansion of the textile industry in the Carolinas, the remarkable growth of the tobacco industry in North Carolina and Virginia, and the development of a diversified system of manufactures throughout the whole southern Appalachian area. There are now more cotton mills located in the South than in New England. Raise the tariff rates so as to exclude the importation of cotton and its manufactures, valued at $111,864,576 in 1927, shut out the imports of tobacco and its manufactures, worth $82,984,193 in the same year, and give to the South this market, worth $200,000,000 annually! This section of the country is directly and vitally concerned as never before in protection, which will keep out the influx of foreign raw and manufactured commodities and stimulate the expansion of its own industries.

OBJECTIONS NOT WELL FOUNDED

No presentation of the relationship of the tariff to agriculture would be complete without answering the chief attacks against it by those who profess to have the best interests of the farmer at heart.

The attempt to misrepresent the tariff as a form of tribute exacted from the farmer for the benefit of industry is a distortion of the truth. In the first place, the present tariff act especially exempts all agricultural implements from the payment of any tariff. There is no tariff on agricultural implements of any kind or character, except on cream separators exceeding in value $50 and on harness exceeding $40 in value. Neither is there any tariff on building material the farmer uses—for instance, on lumber, shingles, paint, barbed wire, nails, cement, brick. In other words, practically everything that the farmer uses on the farm is on the free list, and therefore it can not be said that he pays a higher price for such material because of any tariff.

But it is said in answer to this that while there is not any tariff on farming implements, there is a tariff on the iron and steel that enter into their manufacture and that force up the price on agricultural implements. Let us see.

TARIFF ON IRON AND STEEL DOES NOT AFFECT PRICE OF FARM IMPLEMENTS

It is true that there is a tariff of $1.12½ per long ton—2,240 pounds—on pig iron, but the freight rate from New York to Chicago, near which the manufacture of agricultural implements is localized, is $9 per ton. Pig iron, on the other hand, can be shipped from the mines in Minnesota to the Chicago district for less than $4 a long ton. If the tariff were removed, the freight cost would still act as a barrier to any great importation of pig iron.

The same considerations apply to steel and like heavy commodities. Transportation is the vital element in determining costs to the consumer and to lay the blame at the door of the tariff is a misapprehension of the facts or a misrepresentation of them. A limited amount of foreign steel enters the seacoast markets. But the item of transportation to inland points is so high that even though the duty were materially changed, penetration of imported steel products would still be limited.

The truth of the matter is that no foreign steel or pig iron is used in the manufacture of farm implements, the high freight rates prohibiting.

The following table shows the average quantity of iron and steel used in the manufacture of certain farm implements, their foreign value, and the approximate duty on the iron and steel used if imported:

Implement	Average quantity of iron and steel used	Foreign value	Approximate duty on iron and steel, if imported
2-row corn cultivator	874	$13.95	$3.28
7-foot grain binder	1,474	16.98	4.44
2-furrow riding plow	739	12.65	3.04
6-section peg-tooth harrow	525	12.23	2.83
12-foot grain header	2,436	27.53	6.81

Answering the arguments that the tariff on steel increases the prices of farm implements, the research department of the National Association of Farm Equipment Manufacturers of the United States, in its statement issued December 15, 1927, said:

It has been frequently stated that about half the steel production of the United States is used by American farmers. Though no source or proof has been cited, statements to this effect have been generally accepted as true by speakers and writers on tariff matters who have given them wide circulation.

With such statements as a basis, it is asserted that while the farmer is not directly burdened by a tariff on farm implements, he bears an indirect and heavy burden due to the tariff on the steel used in making them. The assumption is that the farmer, thus pictured as purchasing half the United States steel output, pays the huge sum obtained by multiplying this consumption by the tariff rate on steel. Some of those dealing with this subject have declared that the tariff on steel alone costs the American farmer $100,000,000 a year.

It is not difficult to find trustworthy evidence which conclusively shows how far these assertions and assumptions are from the truth. A leading authority on all questions relating to iron and steel is the Iron Age, a magazine of the highest standing. On January 6, 1927, this magazine printed the following table:

Where steel went in 1926

	Per cent
Farm operating equipment	4
Machinery	4
Food containers	4
Export	5
Oil, gas, water, and mining	9½
Automotive	14½
Building and construction	19½
Railroads	23⅛
All other	16

In 1918 the war emergency committee of the National Association of Farm Equipment Manufacturers (then known as the National Implement and Vehicle Association) prepared a careful report on the amounts of various materials necessary to manufacture each year the machines and implements required to maintain production of the crops of the United States. This report was accepted by the Government and was the basis on which priority allotments of such materials were made to the farm-implement industry during the continuance of the war. This report showed a total of 1,200,000 tons of steel.

The foregoing estimate can be checked and brought up to date by taking as a basis the Government's 1926 census report of total aggregate production of farm machines and implements in the United States and figuring out the kind and weight of materials in them. This computation shows that the manufacture of these machines and implements required 1,400,000 tons of steel, of which about 250,000 tons was required for implements sold to the farmers of other countries.

The total United States output of steel in 1926, as shown by the report of the American Iron and Steel Institute, was about 35,500,000 long tons. If it were true that the farmers of the United States used half the country's steel output, then for 1926 the 6,000,000 or more farmers in our country would have had to consume about 17,750,000 long tons of steel. As a matter of fact, the total amount of steel required for the entire domestic consumption of farm operating equipment, for the production of the automotive industry, and for all the uses of the railroads during that year, was less than 15,000,000 long tons.

Obviously the steel tariff can not have any great effect upon American farm-implement prices; and whether or not it has any effect at all is entirely a matter of theory. It seems significant, however, that with a substantial import duty on steel and no import duty at all on farm implements, European implement manufacturers can not—or, at least, they do not—send their machines into the United States and compete for the American farmer's trade.

There is scarcely any steel or iron in a wagon, yet the increase in the price of wagons is greater than that of any other farm implement. The ordinary wagon which was selling for $50 in 1897 is now selling for $150. The difference in price is caused by the increase in price of labor in the forests, the lumber mills, the manufacturing plants, in the selling agency, and by increase in wages on the railroads and increased freight rates.

TARIFF ROBBERY ON WOOLEN SUIT

But, it is insisted, the farmer is robbed when he buys a suit of clothes; he has to pay the tariff cost on the wool that goes into its manufacture. The average suit of clothes contains 3½ yards of cloth. Three and a half pounds of clean wool are required to make 3½ yards of 14-ounce cloth. Tariff at 31 cents per pound would amount to $1.08½ cents; subtracting 5 cents, the approximate salvage value of card waste, the tariff cost on wool used in this suit would be $1.03½ net. A 10-ounce cloth would require 2½ pounds of wool, and figuring the tariff cost on the same basis of 31 cents, less 3 cents, the approximate value of card waste, the tariff cost on the wool would amount to 74 cents net.

The most cursory examination of the profits of clothiers will show the absurdity of the contention that the tariff on raw products determines the price to the consumer. Last year we

imported from Italy about $3,000,000 worth of women's hat bodies of wool felt. The invoice price on these articles was about 29 cents apiece and the duty averages about 24 cents a pound. The entire cost of these hat bodies, including the tariff collected, is about 36 cents apiece, yet in our fashionable shops these same bodies, turned up on one side perhaps or slashed up the back, with a small ornament in the front, retail at anywhere from $5 to $25 apiece, depending upon how much the patronage of the particular shop will bear.

PROTECTION FOR ALL

The American doctrine of protection is the cardinal principle of the Republican Party—the solid rock upon which it stands. It has the courage of its convictions. No need to cite platforms as to where it stands; its legislation speaks for itself. Rates must be high enough to measure the difference in the cost of production at home and abroad, with every doubt resolved in favor of the American laborer and the American farmer. It says to the workingmen of the East and the farmers of the West:

Protection for all. Whatever work there is to do should be given to our home people. With everyone working for prosperity it will come. We will stop the flood of foreign farm products by raising the rates.

WE IMPORT OUR SURPLUS

While we have been quarreling among ourselves over the disposition of the surplus, foreign farmers have been adding to that surplus—in fact, creating it—and depressing the price of the home market at the rate of two and a half billion dollars' worth of competitive farm products per year! Why should they, with their cheap land and cheap labor, be permitted to compete with our American farmers? The American farmers should have the full benefit of the American market for farm products. The tariff should be raised on farm products so as to exclude the competition of foreign farmers. What advantage is there in being able to buy foreign farm products cheap if to do so will depress the prices of the farm products of our own farmers and decrease their buying capacity? In what way would it benefit us to permit foreign farmers to take our market in exchange for a larger share in theirs?

THE COOLIDGE RECOMMENDATION

With the flood of foreign products stopped, additional corrective legislation will remedy the price depression of seasonal surplus and glutted markets. The intelligent control and orderly merchandising of farm products is the problem. Its solution requires marketing machinery, storage facilities, and credit through the advisory supervision of a Federal agency created for that purpose. Such was the recommendation of President Coolidge to the Sixty-eighth, Sixty-ninth, and Seventieth Congresses, and would have been provided had it not been for the determination to have "the equalization fee or nothing!"

WHERE DOES THE DEMOCRATIC PARTY STAND?

As we approach the national election, the demand becomes more insistent to raise the rates on farm products. Where does the Democratic Party stand on this question?

In his speech in the House on July 9, 1921, in opposition to the Fordney-McCumber bill, WILLIAM OLDFIELD, chairman of the National Democratic Congressional Committee, in defining the position of his party on the tariff question said:

In other words, we believe this Government has no right to tax its citizens or a group of its citizens for the benefit of another group of its citizens. That is the position of the Democratic Party, gentlemen, and I believe it ought to be the position of the country.

We declared in the platform of 1892 that a protective tariff was robbery of the many in the interests of the few. We declared for a tariff for revenue only in 1908, and again in 1912 we declared for a tariff for revenue only.

In a speech in the House on July 21, 1921, in opposition to the Fordney-McCumber bill, the Hon. JOHN GARNER, ranking Democratic member of the House Ways and Means Committee, said:

I admire the candor of the gentleman from Arkansas [Mr. OLDFIELD], who will tell you frankly that he would not levy one copper of duty on any industry in the United States because he is for free trade with all the nations of the earth.

In its national platform of 1920 the Democratic Party said:

We reaffirm the traditional policy of the Democratic Party in favor of a tariff for revenue only.

In its platform of 1924, its latest authoritative declaration, it said:

We declare our party's position to be in favor of a tax on commodities entering the customhouses that will promote effective competition.

The latter declaration is the stronger, more clean-cut, and aggressive. It voices the true position of the party. The "tax on commodities entering the customhouses" must be laid not only so as to permit of world competition in our home market but so as to "promote" competition, to foster, to nourish, to encourage, to develop, to impel such competition, not only competition in the ordinary sense of the word but "effective competition," competition that will compete and lower prices. The Democratic Party believes in a lower price level!

LOW PRICES MEAN LESS WAGES

The Democratic Party says to the laboring men of the East:

Your trouble is high prices, the high cost of living. We will put the rates so low on foreign farm products as to "promote effective competition" in our home market and we will thus reduce the cost of living. You will be able to purchase your food supplies cheaper.

To the farmers in the West it says:

Your trouble is the high prices you have to pay for everything you buy. We will reduce those prices. We will revise the tariff downward, reduce the rates on manufactured articles so as to "promote effective competition"—that is, competition that will actually compete—and reduce prices so you can buy cheaper.

What does this mean? It means a flood of foreign farm products and foreign manufactured products in our home market. The foreign producer will be placed upon a dead level with the home producer, and so an era of low prices and cheap labor will be ushered in, leaving the farmers stranded high and dry with their indebtedness unpaid, contracted under an era of high prices, and the American laborer out of employment. Could anything be more calamitous to the farmer and the laborer and the country? The Democratic national refrain before the election may be "From the Sidewalks of New York," but when this is thoroughly understood by the American people the post-election anthem will be "Nearer, My God, to Thee." [Applause.]

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 2 o'clock and 20 minutes p. m.), in accordance with the order heretofore made, the House adjourned until Monday, May 28, 1928, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

543. A letter from the Secretary of the Navy, transmitting draft of a proposed bill "To clarify section 12 of the act approved June 10, 1922, as amended"; to the Committee on Naval Affairs.

544. A letter from the chairman of Joint Committee on Internal Revenue Taxation, transmitting report of the Joint Committee on Internal Revenue Taxation relating to taxes and penalties paid consequent upon disclosures before the Committee on Public Lands and Surveys of the Senate in the course of the investigation by it pursuant to said Senate Resolution 101, and related matters; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. PERKINS: Committee on Coinage, Weights, and Measures. H. R. 13694. A bill to authorize the Secretary of the Treasury to prepare and strike a medal, with appropriate emblems, devices, and inscriptions thereon, commemorative of the enactment of the act of Congress, approved by the President on May 25, 1926, providing for the establishment, in the State of Kentucky, of the Mammoth Cave National Park; without amendment (Rept. No. 1897). Referred to the House Calendar.

Mr. COOPER of Ohio: Committee on Interstate and Foreign Commerce. H. R. 13976. A bill granting the consent of Congress to the International Business Co. (Inc.), its successors and assigns, to construct a bridge across the Ohio River at or near Ashland, Ky.; with amendment (Rept. No. 1898). Referred to the House Calendar.

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. H. R. 13996. A bill 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; with amendment (Rept. No. 1899). Referred to the House Calendar.

Mr. LUCE: Committee on the Library. H. R. 14034. A bill to establish a commission for the participation of the United States in the observance of the one hundred and fiftieth anniversary of the Battle of Wyoming; without amendment (Rept. No. 1900). Referred to the House Calendar.

Mr. LEAVITT: Committee on Indian Affairs. S. 2360. An act to amend section 1 of the act of Congress of March 3, 1921 (41 Stat. L. 1249), entitled "An act to amend section 3 of the act of Congress of June 28, 1906," entitled "An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes"; with amendment (Rept. No. 1901). Referred to the House Calendar.

Mr. BROWNING: Committee on World War Veterans' Legislation. H. R. 13199. A bill authorizing the payment to the State of Oklahoma the sum of $4,955.36 in settlement for rent for United States Veterans' Hospital No. 90 at Muskogee, Okla.; without amendment (Rept. No. 1902). Referred to the Committee of the Whole House on the state of the Union.

Mr. BRITTEN: Committee on Naval Affairs. H. R. 14039. A bill to regulate the distribution and promotion of commissioned officers of the line of the Navy, and for other purposes; without amendment (Rept. No. 1903). Referred to the Committee of the Whole House on the state of the Union.

Mr. WINTER: Committee on the Public Lands. S. 1794. An act establishing additional land offices in the States of Montana, Oregon, South Dakota, Idaho, New Mexico, Colorado, and Nevada; without amendment (Rept. No. 1904). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. COLTON: Committee on the Public Lands. H. R. 13744. A bill to provide for the acquisition by Parker I-See-O Post, No. 12, All American Indian Legion, Lawton, Okla., of the east half northeast quarter northeast quarter northwest quarter of section 20, township 2 north, range 11 west, Indian meridian, in Comanche County, Okla.; without amendment (Rept. No. 1905). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. STEAGALL: A bill (H. R. 14058) to amend the second paragraph of section 7 of the Federal reserve act; to the Committee on Banking and Currency.

By Mr. BLAND: Concurrent resolution (H. Con. Res. 43) establishing a commission to formulate and submit plans for the observance of the one hundred and fiftieth anniversary of the surrender of Cornwallis at Yorktown, Va.; to the Committee on the Library.

By Mr. NEWTON: Resolution (H. Res. 227) to appoint a special committee of five to investigate campaign expenditures of various presidential and other candidates of both political parties, and for other purposes; to the Committee on Rules.

By Mr. BEEDY: Resolution (H. Res. 228) to appoint a committee of five members of the Committee on Banking and Currency to investigate the Federal reserve system relative to the listing of foreign loans, and for other purposes; to the Committee on Rules.

By Mr. COLE of Iowa: Resolution (H. Res. 229) to print 5,000 copies of Report No. 1124, Seventieth Congress, first session, accompanied by Spanish translation; to the Committee on Printing.

By Mr. STEVENSON: Resolution (H. Res. 230) to provide for the printing of certain historical statements relative to the Battle of Cowpens and the Battle of Kings Mountain, S. C.; 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. BEERS: A bill (H. R. 14059) granting an increase of pension to Diana Wright; to the Committee on Invalid Pensions.

By Mr. CANFIELD: A bill (H. R. 14060) granting an increase of pension to Matilda D. Mason; to the Committee on Invalid Pensions.

By Mr. CARTWRIGHT: A bill (H. R. 14061) for the relief of John T. Steel; to the Committee on Military Affairs.

By Mr. DEMPSEY: A bill (H. R. 14062) to authorize the President to present the distinguished-service cross to Pvt. Wilton E. Kilmer; to the Committee on Military Affairs.

By Mr. EATON: A bill (H. R. 14063) granting a pension to Rachel Caroline Pardoe; to the Committee on Pensions.

By Mr. KORELL: A bill (H. R. 14064) granting a pension to Elizabeth Gibson; to the Committee on Invalid Pensions.

By Mr. McLEOD: A bill (H. R. 14065) for the relief of William H. Shelby; to the Committee on Military Affairs.

PETITIONS, ETC.

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

7789. By Mr. ARNOLD: Petition from citizens of Richland, Lawrence, and Wabash Counties, Ill., urging more liberal pensions for all Civil War widows; to the Committee on Invalid Pensions.

7790. By Mr. BLOOM: Petition of the National Council of the Steuben Society of America, urging the adoption of the Shipstead bill (S. 1481); to the Committee on Immigration and Naturalization.

7791. By Mr. BOYLAN: Petition adopted at sixteenth annual meeting of Chamber of Congress on Educational Orders; to the Committee on Military Affairs.

7792. Also, petition of National League of Women Voters, favoring adoption of conference report on Muscle Shoals; to the Committee on Military Affairs.

7793. By Mr. BUSHONG: Petition of citizens of Pennsylvania, urging Congress to bring to vote a Civil War pension bill in order that relief may be accorded to needy and suffering veterans and widows of veterans; to the Committee on Invalid Pensions.

7794. By Mr. CANFIELD: Petition of W. S. Cook and 19 other grocers of Columbus, Ind., urging the passage of House bill 13148; to the Committee on Interstate and Foreign Commerce.

7795. By Mr. CARTER: Petition of M. K. Bartl and many others, urging the passage of bill granting an old-age pension; to the Committee on Pensions.

7796. By Mr. CULLEN: Resolutions of Brooklyn Chamber of Commerce, in re foreign trade zone and House bill 8557; to the Committee on Interstate and Foreign Commerce.

7797. By Mr. GARBER: Petition of residents of Ringwood, Okla., in support of Sproul bill (H. R. 11410) to amend the national prohibition act; to the Committee on the Judiciary.

7798. By Mr. HILL of Washington: Petition of Frank Starling, of Wenatchee, Wash., and 624 other persons, protesting against House bill 78, and all other proposed compulsory Sunday-observance legislation; to the Committee on the District of Columbia.

7799. Also, petition of Mrs. J. A. Hodgins, of Greenacres, Wash., and 55 other persons, protesting against House bill 78 and all other proposed compulsory Sunday-observance legislation; to the Committee on the District of Columbia.

7800. Also, petition of Louis de Gero, of Spokane, Wash., and 153 other persons, protesting against House bill 78 and all other proposed compulsory Sunday-observance legislation; to the Committee on the District of Columbia.

7801. Also, petition of Mrs. A. P. Howey, of Chewelah, Wash., and 51 other persons, protesting against House bill 78 and all other compulsory Sunday-observance legislation; to the Committee on the District of Columbia.

7802. Also, petition of A. Zeller, of Riverside, Wash., and 22 other persons, protesting against House bill 78 and all other proposed compulsory Sunday-observance legislation; to the Committee on the District of Columbia.

7803. Also, petition of Frank E. Ledbetter, of Spokane, Wash., and 266 other persons, protesting against House bill 78 and any other proposed compulsory Sunday-observance legislation; to the Committee on the District of Columbia.

7804. By Mr. LAMPERT: Petition of J. J. Hildebrand, Omro, Wis., secretary, and members of the Winnebago County (Wis.) Grange, unanimously urging enactment at this session of House Joint Resolution 22, by Mr. GARBER, and Senate Joint Resolution 61, by Mr. CAPPER, providing for National Agriculture Day; to the Committee on Agriculture.

7805. By Mr. MAAS: Resolution by the Veterans of Foreign Wars of the United States, in support of House Resolution 143, authorizing the Speaker to appoint a select committee to conduct an investigation relative to protests against the military and naval defense program of the United States; to the Committee on Rules.

7806. By Mr. QUAYLE: Petition of Brooklyn Chamber of Commerce, Brooklyn, N. Y., favoring the passage of Senate bill 724 and House bill 8557 to provide for foreign trade zones; to the Committee on Interstate and Foreign Commerce.

7807. Also, petition of Brooklyn Chamber of Commerce, Brooklyn, N. Y., opposing the passage of House bill 8127, providing for the transfer of all river and harbor work from the War Department to the Interior Department; to the Committee on Expenditures in the Executive Departments.

7808. Also, petition of the Brooklyn Chamber of Commerce, Brooklyn, N. Y., favoring the passage of House bill, 11886 and Senate bill 3721 to establish the office of captain of the port

of New York and to define his duties; to the Committee on Interstate and Foreign Commerce.

7809. By Mr. PARKS: Petition of citizens and residents of Ashley County, Ark., protesting against any change being made as to Ashley County being put into the eastern Federal court district of Arkansas; to the Committee on the Judiciary.

SENATE

MONDAY, *May 28, 1928*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Eternal God, who deckest Thyself with the garments of light, shine on us with the radiance of Thy dawning, pierce the earth-born clouds that hide Thee from us, and lead us through the deeps of our own nature into Thy holy presence. Remove from us all prejudice and narrowness of thought, that we may rejoice in whatever Thou revealest. Guide us in all perplexities of life and conduct, that we may hold fast that which is true, regardless of the praise or blame of men. In the deliberations of this day let duty reign supreme. Make reverent our thought. Rekindle altar fires and hallow our work by devotion to the tasks of our high calling. Grant this for the sake of Him who for us endured to the uttermost, Jesus Christ, Thy Son, our Lord. Amen.

The Chief Clerk proceeded to read the Journal of the legislative day of Thursday, May 3, 1928, commencing with the calendar day of Wednesday, May 16, 1928, when, on request of Mr. Curtis and by unanimous consent, the further reading was dispensed with and the Journal was approved.

FINAL ADJOURNMENT

Mr. CURTIS. Mr. President, in order that we may settle the question of final adjournment I desire to submit a unanimous-consent request. I have talked with the Senator from California [Mr. JOHNSON], and he is perfectly agreeable to this procedure. I ask unanimous consent that the Senate take up the privileged question of the concurrent resolution (H. Con. Res. 41) providing for final adjournment and dispose of it.

The VICE PRESIDENT. Is there objection? Without objection, the Chair lays before the Senate the concurrent resolution, which will be read.

The Chief Clerk read the concurrent resolution (H. Con. Res. 41), as follows:

Resolved, etc., 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.

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

The VICE PRESIDENT. The clerk will call the roll.

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

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

Mr. NYE. Mr. President, I desire to announce the unavoidable absence, on account of illness, of the senior Senator from South Dakota [Mr. NORBECK].

The VICE PRESIDENT. Eighty-two Senators having answered to their names, a quorum is present.

Mr. JOHNSON. Mr. President, as I understand it, the concurrent resolution has been laid before the Senate?

The VICE PRESIDENT. The question is on agreeing to the concurrent resolution which will be again read.

The Chief Clerk again read House Concurrent Resolution 41.

Mr. JOHNSON. Mr. President, I offer the following amendment.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 1, line 5, strike out the words "29th day of May" and insert in lieu thereof "5th day of June," so as to make the concurrent resolution read:

Resolved by the House of Representatives (the Senate concurring), 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 5th day of June, 1928, at 5 o'clock postmeridian.

Mr. JOHNSON. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. SWANSON (when his name was called). I am paired with the senior Senator from Washington [Mr. JONES]. Not knowing how he would vote, I withhold my vote. If permitted to vote, I would vote "nay."

The roll call was concluded.

Mr. RANSDELL. I have a pair with the junior Senator from Maine [Mr. GOULD]. In his absence, I withhold my vote.

Mr. McMASTER. I desire to announce that my colleague the senior Senator from South Dakota [Mr. NORBECK] is detained at home because of illness. If present, he would vote "yea."

Mr. CURTIS. I desire to announce the following pairs on this question:

The Senator from Delaware [Mr. DU PONT] with the Senator from West Virginia [Mr. NEELY];

The Senator from Florida [Mr. TRAMMELL] with the Senator from South Dakota [Mr. NORBECK];

The Senator from West Virginia [Mr. GOFF] with the Senator from Texas [Mr. MAYFIELD]; and

The Senator from North Dakota [Mr. FRAZIER] with the Senator from Arkansas [Mr. CARAWAY].

If present, Senators NEELY, NORBECK, MAYFIELD, and FRAZIER would vote "yea" and Senators DU PONT, TRAMMELL, GOFF, and CARAWAY would vote "nay."

The result was announced—yeas 39, nays 41, as follows:

YEAS—39

Barkley	George	Locher	Shortridge
Black	Glass	McMaster	Steiwer
Blaine	Hale	McNary	Stephens
Borah	Harris	Norris	Thomas
Bratton	Hawes	Nye	Vandenberg
Brookhart	Heflin	Oddie	Wagner
Capper	Howell	Pittman	Walsh, Mass.
Copeland	Johnson	Reed, Mo.	Walsh, Mont.
Dale	Kendrick	Sheppard	Wheeler
Dill	La Follette	Shipstead	

NAYS—41

Ashurst	Edwards	McLean	Smith
Bayard	Fess	Metcalf	Smoot
Bingham	Fletcher	Moses	Steck
Blease	Gerry	Overman	Tydings
Broussard	Gillett	Phipps	Tyson
Bruce	Greene	Pine	Warren
Couzens	Harrison	Reed, Pa.	Waterman
Curtis	Hayden	Robinson, Ark.	Watson
Cutting	Keyes	Robinson, Ind.	
Deneen	King	Sackett	
Edge	McKellar	Simmons	

NOT VOTING—14

Caraway	Gooding	Neely	Swanson
du Pont	Gould	Norbeck	Trammell
Frazier	Jones	Ransdell	
Goff	Mayfield	Schall	

So Mr. JOHNSON's amendment was rejected.

Mr. JOHNSON. Mr. President, I offer the following amendment.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 1, line 5, it is proposed to strike out the words "29th day of May" and insert in lieu thereof "2d day of June."

Mr. ASHURST and Mr. JOHNSON asked for the yeas and nays, and they were ordered.

The Chief Clerk proceeded to call the roll.

Mr. RANSDELL (when his name was called). Repeating the announcement as to my pair with the junior Senator from Maine [Mr. GOULD], I withhold my vote.

Mr. SWANSON (when his name was called). Repeating the announcement with reference to my pair with the Senator from Washington [Mr. JONES], I withhold my vote. If permitted to vote, I should vote "nay."

The roll call was concluded.

Mr. CURTIS. I wish to announce the following pairs on this question:

The Senator from Delaware [Mr. DU PONT] with the Senator from West Virginia [Mr. NEELY];

The Senator from Florida [Mr. TRAMMELL] with the Senator from South Dakota [Mr. NORBECK];

The Senator from West Virginia [Mr. GOFF] with the Senator from Texas [Mr. MAYFIELD]; and

The Senator from North Dakota [Mr. FRAZIER] with the Senator from Arkansas [Mr. CARAWAY].